



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY THE PLANNING COMMISSION ON JULY 27, 2021

GOSHEN TOWNSHIP CASE ZC-2021-002

- APPLICANT:** Jeffrey B. Kelly
6747 Wood Street
Goshen, OH 45122
- OWNERS:** Jeffrey B. Kelly
6747 Wood Street
Goshen, OH 45122
- REQUEST:** Requesting to rezone parcel 1122071272 consisting of 6.436 acres from “R-3” Moderate-Density Single-Family Residential District to “M-2” Heavy Manufacturing District.
- LOCATION:** The subject property parcel 1122071272 is located on a private drive on the west side of Goshen Road approximately 320 feet north of Sunnyside Drive, located in Goshen Township. The subject parcel has a physical address of 6823 Goshen Road, Goshen, OH 45122.
- ZONING:** Current Zoning: R-3 – Moderate-Density Single-Family District
- North: R-1 – Agricultural and Rural Residential District
East: R-3 – Moderate-Density Single-Family District
South: R-1 – Agricultural and Rural Residential District &
R-3 – Moderate-Density Single-Family District
West: R-1 – Agricultural and Rural Residential District
- LAND USE:** The existing land use is currently housing a commercial garage and fleet vehicle storage. An agricultural field is also located on the property.
- The surrounding properties along Goshen Road are single-family residential and agricultural.

HISTORY: No history could be found regarding previous zoning requests for the subject parcel.

On May 3, 2002, the Clermont County Tax Map Office processed a survey that created the subject parcel 1122071272.

On August 24, 2018 permit #117076 was issued for a 4800 sq. ft. commercial “Agri Barn Electric” structure on parcel 1122071272.

On April 16, 2020, Goshen Township granted a zoning permit for the adjacent parcel 1122071250 for a Home Occupation for R-1-101-A-Cash Grain.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

It appears this request for a zoning map amendment is **not** compatible as proposed for M-2 – Heavy Manufacturing District in the Township’s Zoning Resolution (Article 5).

If approved, the applicant may be required to apply for variances on several site development standards under (Article 5, 5.04) i.e. (D)(1)(d). Currently, the existing location of the structure is non-conforming for the proposed zoning district. The proposed development may also require substantial landscaping requirements found under the Township’s Zoning Resolution (Article 10).

**Article 5: Base Zoning Districts and Principal Use Regulations:
5.02: Specific District Purpose Statements**

Heavy Manufacturing District (M-2)

The Heavy Manufacturing District (M-2) is established to accommodate intense industrial uses such as heavy manufacturing, extensive outdoor storage, and large-scale warehousing that may have extended physical effects on surrounding areas or maybe objectionable when in proximity to residential uses.

5.04: Use –Specific Standards

**(D) Commercial and Office Use Classification
(1) Automotive Repair (Heavy)**

- The following standards shall apply to any automotive repair (heavy) use:*
- a. A heavy automotive repair use shall be subject to the same requirements as an automotive service use as established in Section 5.04(D)(2)*
 - b. The storage of non-operational vehicles for longer than one week shall be permitted if stored in the rear yard and screened by a solid wall or fence with*

- a minimum height of six feet. All vehicles shall be required to have a valid license plate.
- c. Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited unless the activity is within an enclosed building.
 - d. The principal building shall be set back a minimum of 100 feet from any adjacent residential lot. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent residential lot.

(2) Automotive Service (Minor Repair) Use or Fuel Station

The following standards shall apply to any automotive service (minor repair) use or fuel station:

- a. *Lot Area and Setback Requirements*
 - (i) Fuel pumps shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent residential lot lines.
 - (ii) Canopies shall be set back a minimum of 10 feet from all lot lines and 50 feet from all adjacent residential lot lines.
- b. All hydraulic hoists, oil pits, and all lubricants greasing, vehicle washing, and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- c. Activities shall be limited to:
 - (i) The sale of automotive fuel;
 - (ii) The servicing of motor vehicles with minor repair work;
 - (iii) Hand washing of vehicles within an enclosed building;
 - (iv) The retail sale of vehicle parts and products relating to minor repair work such as, but not limited to, oil grease, antifreeze, batteries, windshield wipers, etc.
- d. Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
- e. Any major repair work, including automobile body repair and painting, automobile glasswork, automobile transmission work, automobile engine overhaul, and repair, and radiator repair work shall be classified as "automotive repair (heavy)" and shall be subject to Section 5.04 (D) (1).
- f. Vehicles being serviced or awaiting the same shall be stored for no longer than seven days on the site if in unenclosed areas.
- g. The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicles parts or equipment, and fluids shall comply with all applicable federal, state, and local requirements.
- h. Outdoor solid waste and recyclable storage areas shall be screened in accordance with Article 10: Landscaping Standards.

Goshen Township Growth Management Plan:

Rural /Suburban Option

*A majority of Goshen Township is outside of the current sewer service area but future sewer extension plans are in place to accommodate growth in these areas over the long-range horizon of this plan. These improvements are planned for anywhere from 2 to 20+ years in the future and create an ever-changing situation for the Township. To counteract this evolving state of improvements, the areas subject to potential future sewer extensions have been designated as a Rural/Suburban Option. Simply put, where sewers are **not** available, permitted land uses and densities are the same as those permitted in the Rural Activities Area. If centralized sewer and water are available and the systems are capable of accommodating new growth, single-family residential uses may be developed at densities as high as 1.5 units per acre. This density equates to approximately one unit for every 30,000 square feet of land. This density reflects the current density of development in areas where centralized sewer is available but poorly draining soils pose serious problems with proper drainage.*

Township Center

Old State Route 28 has historically served as the center of the community long before Goshen Township was considered a suburb of the Greater Cincinnati area. Its location near Township offices, Goshen Local Schools, and commercial uses creates an ideal situation for a better-defined Township Center. The Center would maintain the compact style development with an emphasis on walkways and connections from residential uses to commercial and public/ semi-public uses. New development should maintain the characteristics of the historical urban fabric through the use of minimal building setbacks, gabled roofs, natural building materials, street lighting, and landscaping that will help tie the entire area together into one coordinating center.

TC Residential

Residential uses in the Township Center should be single-family dwellings with a maximum density of 6 units per acre. Two to four-unit dwellings may be considered when the structure resembles the character of surrounding single-family homes and when off-street parking can be accommodated.

Land Development Policies

The following are goals and policies that relate to future land development and should be used as guidelines for land use and zoning decisions.

- *Assure that an adequate amount of land is provided for the projected future population and employment demand.*
- *Provide a mixture of housing types and densities in accordance with this plan and in areas where the unique amenities of each housing type can be accommodated.*
- *Use specific density bonuses and other incentives to encourage developers to build out in the in-fill properties first prior to spreading into the rural or undeveloped areas of the Township.*

- Consider rezoning agriculturally zoned properties only when the proposed rezoning is adjacent to an existing or approved zone or development of a similar density or intensity.
- Require water and sewer service for any subdivision or non-residential development.
- Work toward the creation and development of a thriving Township Center that can serve as a “center” of town for the community. This provides a place for residents to congregate and hold community activities as well as provide a central location for commercial uses and services.
- Encourage the revitalization of Goshen’s historic structures, especially in the Township Center.
- Discourage garages from being the prominent feature of housing.
- Promote the use of lot clustering as a way of preserving Goshen’s rural heritage while providing all property owners with the ability to develop their land with a reasonable economic use that does not detract or damage the community or environment.
- If Goshen Township becomes a designated “urban township,” develop a property maintenance code that addresses litter, weeds, junk cars, garbage, old tires, and other nuisances that can create a negative image of Goshen Township.
- Look for ways to develop a community facility that will provide residents with various educational and recreational activities.
- Develop and/or improve standards for site design, including landscaping, access management, signage, and other design issues. These standards can minimize land-use conflicts while creating an attractive identity for the Township.
- Encourage businesses, both commercial and industrial, that will act as anchor businesses to attract additional businesses that provide support services.
- Allow for new commercial businesses that serve both residents and other businesses without creating a larger supply of commercial properties versus the demand. This excess supply can lead to large numbers of vacant businesses.
- Strive towards creating employment-based industries that not only create a tax base but also employment for local residents.
- Evaluate the feasibility of attracting a large department store that can serve the broader needs of the community over and above the daily convenience needs of residents.
- Allow for flexibility in the development of a site when natural features, major drainage ways, and mature trees can be preserved.
- Encourage the extension of sewer lines in areas where existing zoning and development densities require centralized sewer. Extensions should also be a primary concern in problematic areas where soils create difficult drainage problems and unsanitary conditions.
- Complete and expand, where necessary, the water system to ensure that every resident has an adequate supply of potable water and fire protection.

The proposed zoning request does not meet the goals of Goshen Township’s Growth Management Plan.

DEVELOPMENT PROPOSAL:

Per the application, parcel 1122071272 consists of 6.44 acres and is currently zoned R-3 – Moderate-Density Single-Family District. The property is currently non-conforming with a commercial truck repair business being run out of the 4,800 sq. ft. garage structure.

The existing facility provides repairs primarily for the semi-tractor variety. Trucks that have been repaired or are awaiting repair are stored outside the structure within the 14,000 sq. ft. parking area. All repairs are performed inside the garage structure. The types of repairs for these vehicles are rather extensive and the existing business sees 3-5 trucks per day. The exact hours of operation have not been provided.

SITE ACCESS:

The existing facility has been accessed from Goshen Road via a shared 20' ingress/egress and utility easement. This 20' ingress/egress and utility easement provides access to three residential properties: 1122071264 (Sally J. & Patrick M. Maynard), 1122071006 (Jeffrey B. Kelly), and 1122071250 (Jeffrey B. Kelly).

STAFF ANALYSIS:

Per the review of the application, it has been explained that the applicant has received a zoning permit from Goshen Township for a home occupation for the classification of R-1-101-A-Cash Grain use. However, the zoning permit is for the adjacent parcel 1122071250. The zoning permit does not reference the existing non-conforming use on the adjacent parcel for a semi-tractor repair business. Goshen Township has no other public records regarding any other requests for the subject parcel or its non-conforming use.

Regardless of the validity of the zoning permit issued for the home occupation, it still does not address the non-conforming use on parcel 1122071272. When the applicant applied for the building permit for the 4,800 sq. ft. garage structure it was applied for as an agricultural structure.

Furthermore, the request to rezone the property from R-3 – Moderate-Density Single-Family Residential District to M-2 – Heavy Manufacturing District would be considered spot zoning. Due to the residential nature of the surrounding properties.

Spot Zoning: *“the process of singling out a small parcel of land for a use classification different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995).*

Goshen Township's M-2 – Heavy Manufacturing District would allow intense industrial uses and allow the existing facility to grow in size and intensity. This would continue to negatively affect the residential character of the surrounding properties. The intense industrial uses such as semi-tractor repair and extensive outdoor storage may extend physical effects on surrounding properties and may be objectionable when in proximity to residential uses.

Clermont County Community & Economic Development Comments:

- The garage structure should return to its original intended agricultural use.

The Clermont County Engineer's Office Comment:

- No objections or comments to offer at this time.

The Clermont County Water Resources Department Comments:

- The development is located in Clermont County Water Resources Department's water and sewer jurisdiction. The site is served by an on-site sewer system. The site is not connected to public water.

STAFF RECOMMENDATION:

Based on the Staff Analysis, move to **RECOMMEND DENIAL** of Goshen Township Zoning Case ZC-2021-002 to rezone parcel 1122071272 consisting of 6.436 acres from "R-3" Moderate-Density Single-Family Residential District to "M-2" Heavy Manufacturing District.