



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MAY 24, 2022

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## MIAMI TOWNSHIP ZONING CASE 583

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**APPLICANT** Chase Decker  
Remington Clean Fill, LLC  
P.O. Box 43550  
Cincinnati, OH 45243

**OWNER:** Chase Decker  
Remington Clean Fill, LLC  
P.O. Box 43550  
Cincinnati, OH 45243

**REQUEST:** Miami Township Zoning Map Amendment Case 583 requesting to rezone parcel 182518G245 consisting of 7.92 +/- acres from I – Planned Industrial Park District (Case 574) to “New” I – Planned Industrial Park District.

**LOCATION:** The subject property is located along the east bank of the Little Miami River on SR 126 (Glendale-Milford Road). The property is located +/- 1,500 feet south of the SR 126 / Little Miami Bridge to the north into Symmes Township, Hamilton County. The property has a current physical address of 70 SR 126 Loveland, OH 45150.

**ZONING:** **Existing Zoning:** I – Planned Industrial Park District (Case 574)  
**Proposed Zoning:** I – Planned Industrial Park District (Case 583)

**North:** I – Planned Industrial Park District

**East:** I – Planned Industrial Park District & Public Green Space (*Little Miami Scenic Trail*)

**South:** I – Planned Industrial Park District

**West:** No Zoning (*Little Miami River*)

**LAND USE:** Existing Land Use: Industrial Storage

**Proposed Land Use:** Industrial Storage (Outdoor Trailer Parking)

**HISTORY:** In 1967 the Miami Township approved Miami Township Zoning Case 145 being for a zone change to T – Mobile Home Park District and would later be known as Lake Remington Trailer Park.

Per a FOX-19 article dated May 3, 2012, the Lake Remington Trailer Park was denied renewal of the trailer park license by Clermont County Public Health District due to the previous owners’ unwillingness to make the necessary improvements to the malfunctioning sewer system and abandoned mobile homes which posed a public health hazard.

On August 25, 2020, the Clermont County Planning Commission recommended approval of Miami Township Zoning Map Amendment Case 574.

**RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:**

It appears this request is compatible with the purpose of the I – Planned Industrial Park District in Miami Township’s Zoning Resolution (Chapter 12).

**12.01 PURPOSE**

*The purpose of the “I” Planned Industrial Park District is to provide sites for industrial, manufacturing and warehousing uses at appropriate locations in relation to existing and potential developments of surrounding areas, and to arrange the location of buildings, parking areas, access, screening, and lighting to protect values and to harmonize the development with surrounding areas. The provisions in this District are designed to provide for the establishment and generation of low-intensity industrial uses in a manner that minimizes conflict between industrial uses and nearby residential areas.*

**12.02 PRINCIPAL PERMITTED USES**

*The permitted uses shall be as approved by the Zoning Commission and specified as the approved site plan. All required conditions and restrictions as regulated in the “I” district shall apply except as approved on the development:*

- A. Business or professional offices;
- B. Research and development establishments;
- C. Manufacturing establishments;
- D. Warehouse and wholesale establishments;
- E. Contractor Shops and Storage Yards;
- F. Building materials sales and storage yards;
- G. Private, non-commercial recreation areas and establishments;
- H. Recycling Centers; and
- I. All uses permitted in Chapters 10 and 11 excluding residential uses.

### **12.03 CONDITIONALLY PERMITTED USES**

*The following may be permitted subject to the approval of the Board of Zoning Appeals:*

- A. Buildings in excess of forty (40) feet in height if the following conditions are met satisfactorily:*
  - 1. For each foot of height increase in excess of forty (40) feet, buildings must be set back at least an additional two (2) feet from the required minimum setback requirements; and*
  - 2. The increased building height will not adversely affect the adjacent properties, and*
  - 3. The increased building height is compatible with the existing and future development character and pattern; and*
  - 4. The site plan shows that proper mitigation measures have been proposed to address conditions 2 and 3 above.*
  - 5. In cases where the property is located adjacent to Federal Highways, the setback requirements of Section 12.03 (A) (1) will not apply.*
- B. Training facilities; restaurants; hotels/motel; and retail uses, provided the applicant clearly demonstrates to the Board of Zoning Appeals that:*
  - 1. The proposed use is primarily intended for the benefit of the tenants of the Industrial Park and compliments the Planned Industrial Park, and*
  - 2. The use shall not exceed then (10) percent of total allowable floor area within the Planned Industrial Park; and*
  - 3. The use is compatible with and will not adversely impact surrounding land uses.*

### **12.04 ACCESSORY USE**

- A. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone and the same lot as the permitted use, such as maintenance shops, power plants, and machine shops;*
- B. Signs, as regulated by Chapter 24 of this Zoning resolution; and*
- C. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:*
  - 1. Cafeterias,*
  - 2. Coffee shops or refreshment stands, and*
  - 3. Soda or dairy bars.*

### **12.05 HEIGHT REGULATIONS**

*No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 12.03 of this Chapter.*

### **12.06 AREA REGULATIONS**

- A. Front yard: As defined in Clermont County's or Miami Township's Thoroughfare Plan, there shall be a front yard having a depth of not less than seventy-five (75) feet from the street right-of-way line when abutting a major arterial and fifty (50) feet from the street right-of-way on internal roads.*
- B. Side Yard. For buildings abutting districts other than residential districts, there shall be a side yard on each side of the building, which yard shall have a width of not less than twenty-five (25) feet. There shall be no side yard required for a building abutting 12-3 an "I" District or a building adjacent to another building within a Planned Industrial Park District.*
- C. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, of solid wood fence, masonry wall, hedge or combination of appropriate height so as to effectively screen the view from adjacent residential properties.*
- D. Rear Yard. There shall be a rear yard having a depth of not less than forty (40) feet.*

## **12.07 INTENSITY OF USE**

- A. *Minimum Tract for Planned Industrial Park: Five (5) acres. However, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.*
- B. *Minimum Lot Area within Minimum Tract: One (1) acre.*
- C. *Minimum Lot Width at Building Setback Line. One hundred and fifty (150) feet.*
- D. *Maximum Floor Area Ratio: .50*

## **12.08 GENERAL PROVISIONS**

- A. *Off street parking and loading and/or unloading shall be provided in accordance with Chapter 23 of this Zoning Resolution.*
- B. *No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.*
- C. *All outdoor storage shall be screened so as not to be visible from any street or adjacent property and shall be located at least fifty (50) feet from any residential property or public or private street.*
- D. *All uses in this zone shall be conducted in such a manner so that no odor, smoke, glare, vibrations, or other impacts are evident from beyond the property lines.*
- E. *Assurances by the applicant that the use has the ability to comply with all Local, State, and Federal environmental regulations and standards shall be provided with an application for a zoning use certificate. A site plan, as regulated by Chapter 27 of this Zoning Resolution, shall be required for any use in this zone. In cases where the site plan proposes conditional uses, the site plan review shall precede any action by the Board of Zoning Appeals.*
- F. *Industrial use performance standards:*
  - 1. *No land or uses in these districts shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable nuisance.*
  - 2. *The determination of the existence of any dangerous and objectionable conditions shall be made at the location of the use creating the same or at such location where such conditions may be more apparent.*
  - 3. *Environmental Requirements: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following:*
    - a. *Air Pollution - Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.*
    - b. *Electrical Disturbance - No activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbances. Any generated electrical disturbance shall comply with all applicable regulations of the Federal Communications Commission.*
    - c. *Erosion - No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.*
    - d. *Fire and Explosion Hazards - Adequate safety devices shall be provided where there are activities involving burning or storage of flammable or explosive materials, adequate safety devices shall be provided at any point. Adequate safety devices against the hazards of fire and exploding and adequate firefighting and fire suppression equipment and devices, standard in the industry shall be provided. Burning of waste materials in an open fire is prohibited.*

- e. *Glare and Heat - Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises. Welding that is required for exterior construction of a structure shall be exempt from these regulations. No exterior lighting 12-5 shall be positioned so as to extend glare onto an adjacent property or a public right- of-way.*
- f. *Liquid or Solid Wastes - no discharge at any point into any public sewer, private sewerage disposal system, stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with minimum standards approved by the Clermont County Health Department, the Ohio Department of Health, the Ohio Environmental Protection Agency, or such other governmental agency as shall have jurisdiction over such activities. The use of dumpsters or other types of reasonably accessible waste containers for the disposal of potentially dangerous liquid or solid waste materials shall not be permitted.*
- g. *Odors - No odor shall be emitted by any use permitted in any district in such quantities as to be readily detectable by a person not located on the premises.*
- h. *Radioactive Materials - No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release of emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems.*
- i. *Storm Water Drainage - Due consideration shall be given to provisions for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area. Where major drainage volumes appear likely and capacity of available system is found marginal or inadequate, consideration shall be given to possibilities for recharge of ground water supply on the property, temporary retention with gradual discharge, or other remedial measures.*
- j. *Trash Collection Facility - A trash collection facility shall include a large container such as a dumpster, or a small container such as a garbage can, bag or other similar container. No trash collection facility shall be located or stored in the front yard of a premise. A large trash collection facility shall be situated in a permanent location and placed on a concrete pad of appropriate size and strength. A dumpster pad shall be of a dimension that will allow a dumpster to sit entirely on the pad and permit the wheels of a trash disposal truck to rest on the pad while emptying said dumpster.*
- k. *Vibration - Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, beyond any lot line bounding the premises.*

Miami Township’s Vision 2025 Plan (Preferred Land Use Plan), specifies the area’s Future Land Use as “Riverfront Redevelopment” and Development Potential as “Redevelopment”.

***Redevelopment: (Pink)***

*Redevelopment locations are those where substantial land-use change is likely to occur and where land-use change may be appropriate because existing development is being rendered obsolete by changes in the regional economy, traffic patterns, real estate market, or other factors. Regardless of the condition of existing land uses, Redevelopment areas have significant advantages, such as regional access, visibility of relatively large parcels, or other factors. New land uses in Redevelopment areas will be generally more intensive than the previous land uses, although their intensity may be measured in terms of the built environment or their level of commercial activity. Since Redevelopment areas may include preexisting characteristics that could*

have negative consequences is perpetuated, such as numerous curb cuts or conflicting adjoining land uses, detailed site development and access management controls will be necessary to ensure that their redevelopment supports the Township's quality of life.

**Unique Housing: (Green)**

Unique Housing is particularly noted in the Preferred Development Scenario in the Riverfront Redevelopment area. Due to the geologic and environmental concerns located in this area, as well as the potential high demand for housing development in this location, this location has the potential to support a higher price point housing product and will need to do so in order to address needs relating to the aquifer, the Little Miami River and any brownfields<sup>2</sup> in this location. The Riverfront Communities Concept Area, which includes Riverfront Redevelopment area between Miamiville, Branch Hill River Road, and the I-275 overpass, is distinctive worth attention.

Although the type of unique housing that may be feasible will depend on market characteristics, potential types of unique housing may include the following:

- Tightly clustered homes in a development that also provides extensive recreational amenities
- Ridgeline development with access to a public riverfront park.

Architectural guidelines for new construction that reinforce the unique character of the Little Miami riverfront area may also be appropriate.

The proposed zoning request does meet the underlined goal for the continued redevelopment of underutilized land in Miami Township. However, this proposal does fall short of the preferred development scenario under “Unique Housing” development and the existing I – Planned Industrial Park District (Miami Township Case 574).

Although the proposed land use is a continuation of the existing industrial uses on the site the requested use for outdoor truck trailer storage is a decrease in the proposed redevelopment approved by the existing I – Planned Industrial Park District (Miami Township Case 574).

**STAFF ANALYSIS:**

Per the application, Remington Clean Fill, LLC is requesting a zoning map amendment to accommodate large-scale outdoor storage and commercial/industrial shop space. The applicant has submitted two options for development in I – Planned Industrial Park District:

**Option 1:**

- Outdoor Truck Trailer Storage (Semi Trailers)
- Outdoor Cars, RVs, Boats, and Buses Storage;
- Three (3) 7,200 Sq. Ft. - 14,400 Sq. Ft. Buildings to be used for Personal Shop Space;

**Option 2:**

- Temporary Outdoor Truck Trailer Storage (Semi Trailers)
- Outdoor Cars, RVs, Boats, and Buses Storage;
- Up to Ten (10) 12,000 Sq. Ft. Buildings to be used for Personal Shop Space;

### **Option 1: Analysis**

In Option 1, the three proposed structures have been propped to be provided with utilities, and with the option to include a small bathroom and office.

The Option 1 site plan shows an asphalt driveway using the existing ingress/egress from SR 126. Interior circulation for the proposed development would extend between the three proposed structures and continue to be looped through the existing site with truck trailer parking located along the northern and southern property lines.

This proposal significantly decreases the proposed number of commercial garages and potential small businesses to be constructed on the site, leaving the back three-quarters of the property as outdoor storage.

These three commercial buildings would have a large commercial garage door and service door for access. The site plan does not show where customer parking is to be located, although not shown it will be required to be provided outside the front of each unit during the allowed business hours. The property will be fenced and gated for security purposes and has already installed sections of a six (6) foot tall chain-link fence and barbed wire atop.

### **Option 2: Analysis**

Option 2, would allow for the use of the property to be transitional. By transitional the property could be used for onsite outdoor truck trailer storage, while also providing the flexibility to develop the property as originally intended. The original intent of the site would be for ten proposed structures to be provided with utilities, and with the option to include a small bath and office.

Similar to Option 1, the site plan shows an asphalt driveway using the existing ingress/egress from SR 126 with interior circulation between the ten proposed structures and would continue to loop through the existing site. The eventual goal would be to develop the property in phases while allowing truck trailer parking located along the northern and southern property lines with the eventual plan to have all business operations located inside the proposed structures.

This proposal would maintain the existing approved, I – Planned Industrial Park District uses. While providing the additional outside storage for a large-scale truck trailer storage.

These ten commercial buildings would have a large commercial garage door and service door for access. The site plan does not show where customer parking is to be located, although not shown it will be required to be provided outside the front of each unit during the allowed business hours. The property will be fenced and gated for security purposes and has already installed sections of a six (6) foot tall chain-link fence and barbed wire atop.

No landscaping plan has been submitted with the site plan considering the site is wedged between two other I – Planned Industrial Park District properties. However, the property does adjoin the Little Miami Scenic Trail, and the applicant must improve and maintain the tranquil nature of our shared public park. The site plan does address these concerns by showing a proposed 15 feet evergreen buffer along the Little Miami Scenic Trail.

Property signage has been proposed for dual signage for advertising purposes. An entry sign is not shown on the site plan but is referenced in the cover letter fronting SR 126. The second sign, which is also not shown on the site plan will face the Little Miami Scenic Trail. Considering that the applicant is proposing signage along the back of the property, this proposal must reference some sort of buffering standard or landscaping plan.

The site plan will need to transfer the shown detail of the addition of .84 acres from parcel 18-25-18G-123. This will need to be consolidated before obtaining building permits for any of the commercial structures.

Stormwater detention/retention has also not been addressed in the site plan. A stormwater detention/retention easement will need to be provided for this development along with an onsite sewer system if required.

**Clermont County Community & Economic Development Comments:**

- The .84 acre portion from parcel 18-25-12G-123 will need to be consolidated into parcel 18-25-18G-245 before obtaining building permits.
- All I – Planned Industrial Park District: 12.08 General Provision be addressed and adhered to Off-Street Parking and loading (Chapter 23), Lighting Standards (Chapter 24), Outdoor Storage Screening, Assurance from all Local, State, and Federal Environmental Regulations and Standards.

**The Ohio Department of Transportation Comments:**

- No comments have been received at this time.

**The Clermont County Engineer’s Office Comments:**

- The applicant must secure the necessary right-of-way and access permit(s) from ODOT for any access to SR 126.

**The Clermont County Water Resources Department Comments:**

- Currently no public sewer is available. If public sewer is desired it will need to be extended by the developer. If onsite private sewer is desired the developer will need to contact the Ohio EPA.
- Stormwater detention/retention will need to be provided for this development.
- Public Water is available for the proposed development.

**STAFF RECOMMENDATION:**

Based on the Staff Analysis, move to **RECOMMEND APPROVAL** of Miami Township Zoning Map Amendment Case 583 requesting to rezone parcel 182518G245 consisting of 7.92 +/- acres from I – Planned Industrial Park District (Case 574) to “New” I – Planned Industrial Park District with the following conditions.

1. The .84 acre portion from parcel 18-25-12G-123 will need to be consolidated into parcel 18-25-18G-245 before obtaining building permits;
2. All I – Planned Industrial Park District: 12.08 General Provision be addressed and adhered to;
3. Secure necessary right-of-way and access permit(s) from ODOT for any access to SR 126;
4. Sewer will need to be provided by an onsite sewer system or be extended by the developer.
5. Stormwater detention/retention will need to be provided for this development.