



**UNION TOWNSHIP BOARD OF TRUSTEES
AUGUST 8TH, 2023 MEETING**

OVERLAY DISTRICT PLAN

**WD MT CARMEL LLC, Applicant
4630 Aicholtz Road/ Parcel ID #413213B017.**



Staff Report: CASE # 7-23-O

NATURE OF REQUEST

The Applicant is requesting Overlay District Plan Approval from the Union Township Board of Trustees for Parcel# 413213B017. Specifically, the Applicant is seeking to develop a WaWa fueling station with a convenience retail component—on a 2.091-acre site that is located within the Mount Carmel Business Corridor Focus Area Overlay. **Please refer to the Applicant's statements, plans, and other application enclosures.*

LOCATION

The subject property is located at 4630 Aicholtz Road, with road frontage on Aicholtz Road, Mount Carmel Tobasco Road and State Route 32. Aicholtz Road is a Major Collector 3-lane roadway, including a center left turn lane, with a traffic volume of approximately 4,250 average daily trips (ADT). Mt. Carmel Tobasco Road is a Minor Collector 5-lane roadway with a traffic volume of approximately 10,200 average daily trips in this particular area.

ZONING

The subject property is zoned Business (B-1), with the adjoining property south, east and west being zoned Business (B-1) for the underlying zoning. The property to the southwest is zoned Planned Development (PD) and the property north of State Route 32 is also zoned Planned Development (PD).

RELATIONSHIP TO THE HORIZON 2030: UNION TOWNSHIP COMPREHENSIVE LAND USE PLAN

The *Horizon 2030: Union Township Comprehensive Land Use Plan* indicates that the proposal is located within the Mt. Carmel Business District Corridor. The comprehensive land use plan indicates that this corridor is home to several diverse uses—including small office, retail, and residential—all blended within the corridor. The corridor contains limited parking area due to small lot sizes and significant (building) lot area coverages. The comprehensive plan also indicates that future development should build upon past successes in the Business District, with a focus on redevelopment through the use of the Overlay Application.

Among other things, sidewalks are required for new development, and architectural reviews are necessary to ensure that high-quality building materials are utilized. Additionally, development proposals need to take into consideration landscaping and streetscape beautification (efforts) to create a unified appearance. Monument style signage, along with “blade” signage, is encouraged in this area of the Township.

RELATIONSHIP TO THE FOCUS OVERLAY DISTRICT REGULATIONS

As noted in the previous section of the staff report, the affected property is located within the Mount Carmel Business District Corridor. Article 13 of the Union Township Zoning Resolution identifies this corridor as a “Commercial Corridor,” and states:

The subject property is situated within the Mt. Carmel Business Corridor, as identified on the Union Township Focus Area Overlay District map. Article 13 of the *Union Township Zoning Resolution* identifies the Mt. Carmel Corridor as a “Business Corridor [FA-CC],” and states the following in regard to those districts:

1307. **Focus Area Overlay-Commercial Corridor Districts**

Focus Area Overlay (FA) Commercial Corridor Districts shall be identified as FA-CC Overlay Districts.

1. **Findings and Specific Purpose.**

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community identity. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

- a. Preventing the deterioration of property and the extension of blighting conditions;
- b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
- c. Preventing the creation of influences adverse to the physical character of the area.

2. **Characteristics.**

FA-CC districts shall be limited to geographic areas included in a FA-Commercial Corridor which contain or are planned to contain one or more of the following characteristics:

- a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a socio-geographic neighborhood, community, or region;
- b. An area that has received or been approved for substantial public investment;
- c. An area that is planned for unusual intensity or density of development.

BACKGROUND

The Applicant's current proposal involves the construction of a one-story, 5,915 square foot freestanding building with corresponding fuel pumps. Currently, the lot consists of a vacant Kroger building, which will be demolished. Future plans identify future development activity which will require additional approvals—but at this time, the Applicant is only applying for the WaWa portion of the site. The Applicant has proposed high-quality structures consisting of traditional building materials, with significant landscaping and screening improvements for the property that will face three (3) roads.

STAFF REVIEW & ANALYSIS

A review of this particular Overlay District application indicates that the proposal appears to be consistent with both the recommendations of the adopted Land Use Plan, as well as the Findings and Specific Purpose(s) of the Overlay District zoning regulations. The Applicant has proposed a building consistent of traditional building materials, with a signage package. Due to the regulations associated with the corridor, signage would be limited to monument-style signage. The parking and driveway areas on the current plans appear to be sufficient, as the plan follows the existing ingress/ egress for the vacant Kroger site. There is already an existing sidewalk along (both) Aicholtz Road and Mount Carmel Tobasco Road for pedestrian connectivity from/ through the site. The landscaping/ buffer plan meets the landscaping criteria by shielding parking spaces from existing roadways. A screened dumpster also meets the standards set forth in the Union Township Comprehensive Land Use Plan, along with upgraded gas canopy pillars. Finally, the photometric plan has been included and is consistent with the Zoning Resolution's standards.

ACTION REQUIRED

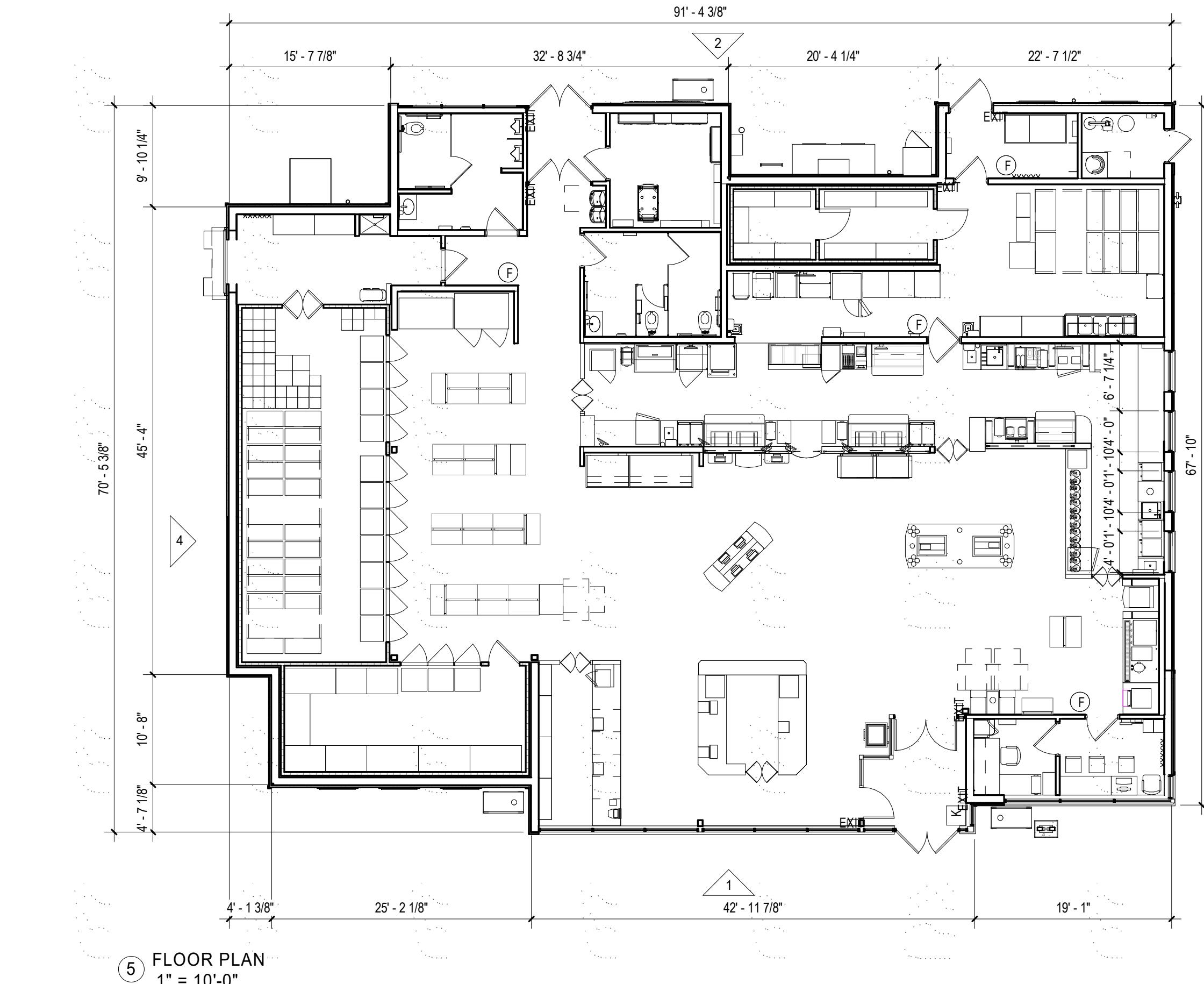
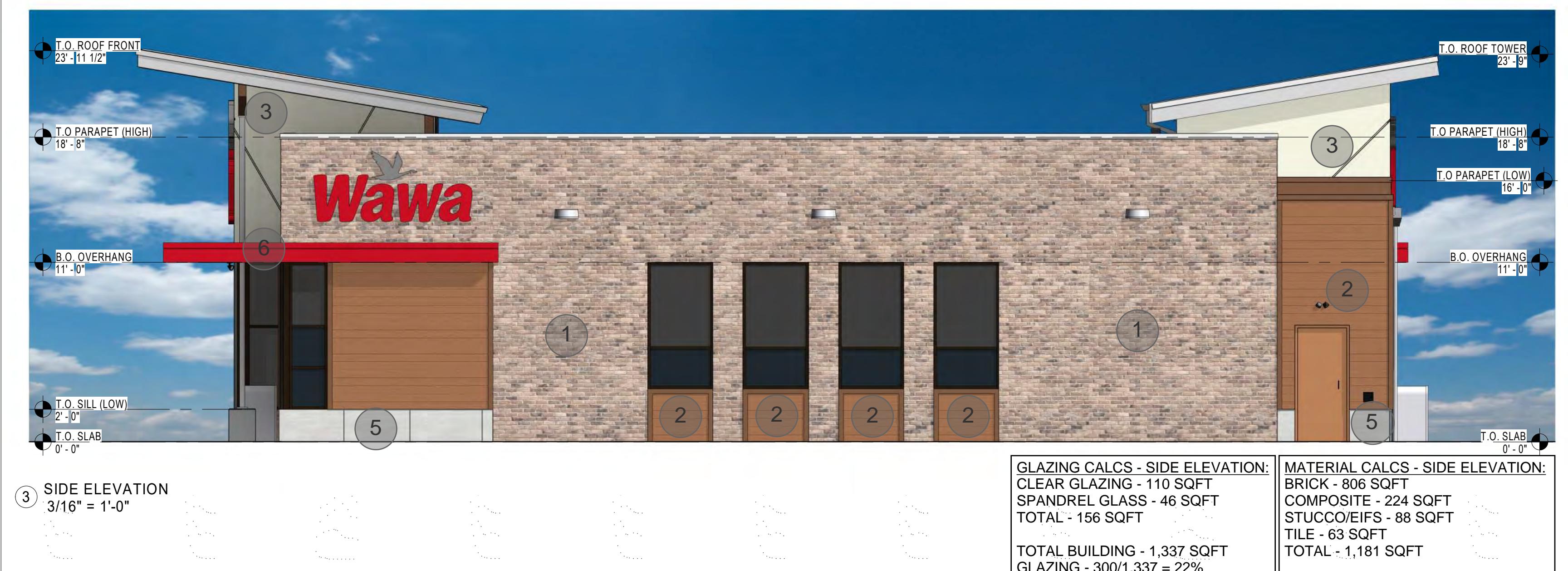
In accordance with Section 1310 of the Zoning Resolution, the Board of Trustees' role in this process is to either enter a motion to approve, modify, or deny the Focus Area Overlay District application—which, in this case consists of the development of a vehicle fueling station with a convenience retail component—as submitted, along with any further modifications deemed appropriate by the Board.

RECOMMENDED MODIFICATIONS

If the Board should choose to grant favorable consideration to this Overlay District application, staff recommends that these additional items be modified and / or otherwise be adequately addressed prior to final Township action:

- 1) The Applicant must address any concerns of the County Engineer, Clermont County Water & Sewer District, Clermont County Building Department, the Union Township Fire Department, and / or other regulatory agencies having jurisdiction over the proposed development prior to any final Township action.

- 2) The Applicant would need to provide anticipated peak and average daily traffic volumes to help make final access and parking determinations. Loading and unloading areas and delivery information would also need to be submitted. *These are items that can be addressed administratively.*
- 3) Demolition of the current vacant store and parking would need to be completed before the occupation of the proposed development, subject to administrative review and approval.
- 4) A more-detailed signage plan would ultimately need to be submitted. All free-standing signage would be limited to monument signage, capped at a height of not more than 12' from finished grade, *subject to administrative review and approval.*



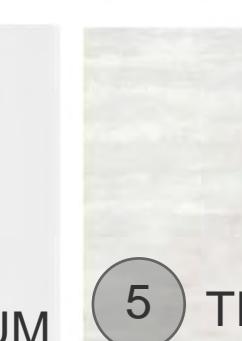
MATERIALS:



COMPOSITE WOOD SIDING



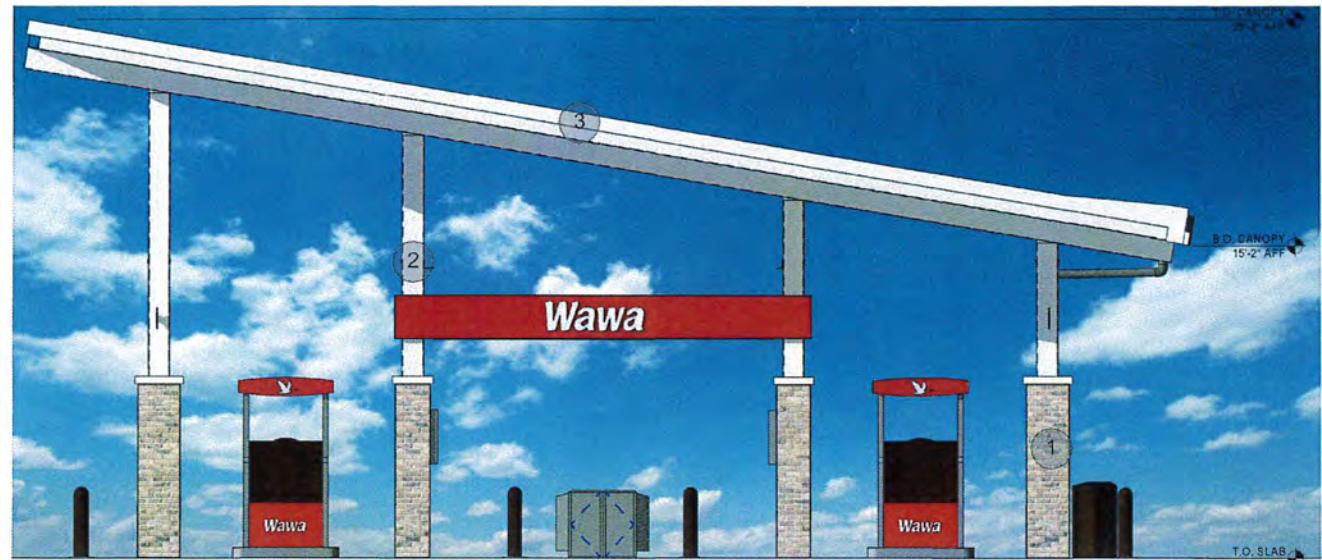
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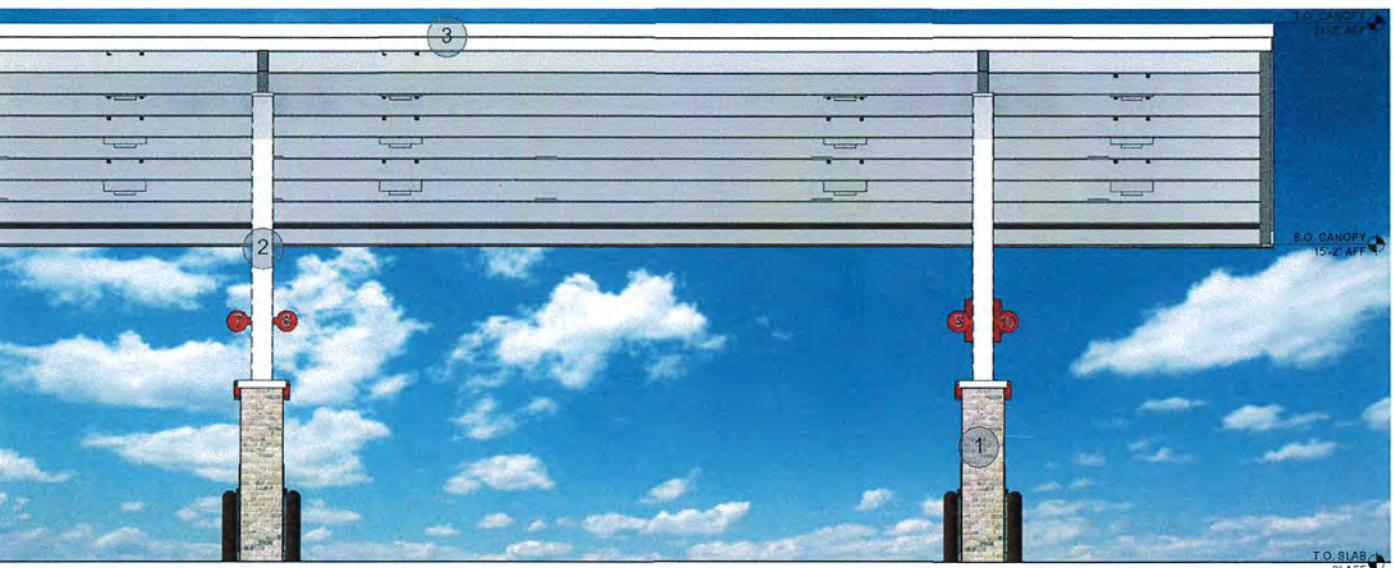
E



EXTERIOR FINISH PACKAGE: BRICK-1



③ FUEL CANOPY ELEVATION
1/4" = 1'-0"



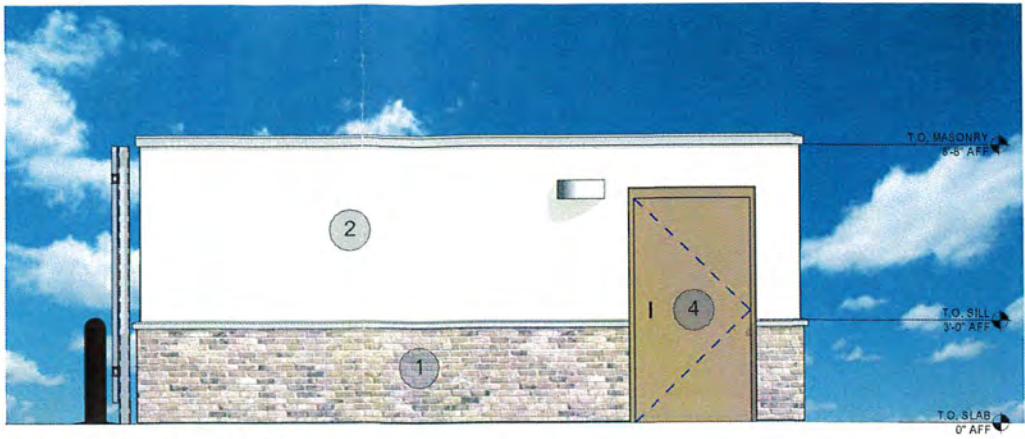
② FUEL CANOPY ELEVATION - LONG
1/4" = 1'-0"



① FUEL CANOPY PERSPECTIVE

MATERIALS:

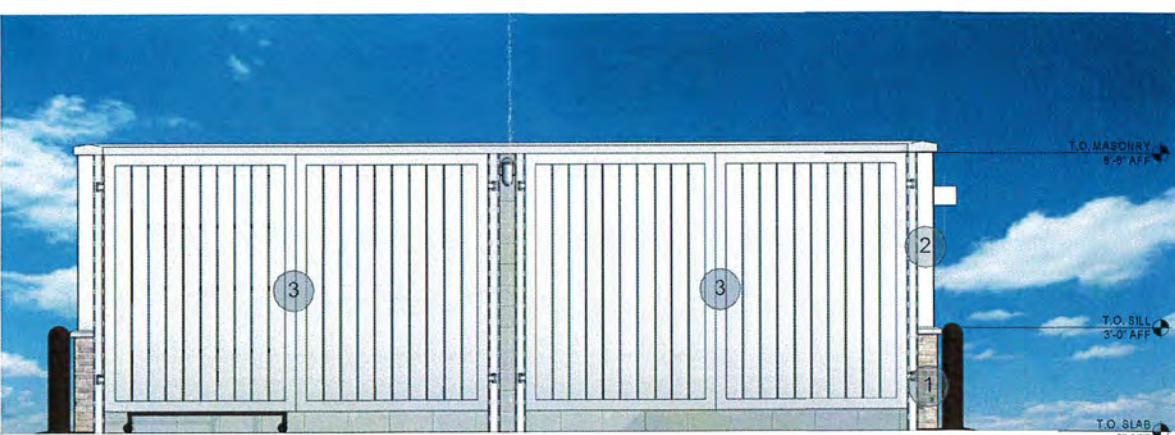
- 1 BRICK
- 2 EIFS OR STUCCO
- 3 METAL: WHITE
- 4 ROOF: TITANIUM
- 5 DOOR TO MATCH BUILDING



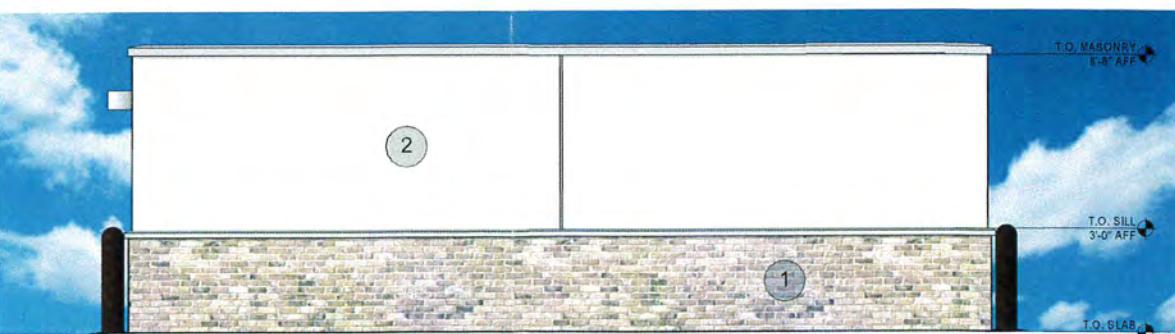
⑦ TRASH COMPOUND SIDE ELEVATION
3/8" = 1'-0"



⑥ TRASH COMPOUND SIDE ELEVATION
3/8" = 1'-0"



⑤ TRASH COMPOUND FRONT ELEVATION
3/8" = 1'-0"



④ TRASH COMPOUND REAR ELEVATION
3/8" = 1'-0"

III. SUPPORTING DOCUMENTS REQUIRED FOR APPLICATION

1. Photocopy of tax map with subject property highlighted.
2. Legal description of property (see deed).
3. Development plans.
4. Application fee as established by the Township Trustees.

IV. SUPPORTING INFORMATION

A. Existing Zoning District B-1

Existing Land Use Existing closed grocery

Proposed Focus Area District and Classification Category B-1 w/Mt. Carmel Business Corridor Overlay

Proposed Land Use Wawa store

B. Describe the characteristics of the Parcel/Project for consideration by the Board of Trustees (use additional sheet if necessary):

The existing parcel contains a closed grocery store and associated

parking lots and loading docks. The project consists of demolition of

the existing grocery store building and construction of a Wawa store at

the northwest corner of the parcel, nearest the intersection of Mt.

Carmel Tobasco Road and State Route 32. Development of the remaining

parcel, beyond the limits of the Wawa parcel, is shown as future and for

reference only at this time. Details of future development lots to be

reviewed under a separate Overlay District Plan submittal.

V. AFFIDAVIT

I hereby depose and say that I have familiarized myself with the rules and regulations of the Union Township Zoning Resolution with respect to preparing this application. I hereby certify that I have read the foregoing document and supplements attached thereto and that I have answered all questions fully and to the best of my ability. I hereby attest to the truth and exactness of the information supplied herewith and that I am the owner or lessee of the property to be rezoned.

WD Mt. Carmel LLC

Cel Gican

Applicant* Daniel G. Kamin, Manager

*If the property is owned by a corporation or partnership, signatory must be an authorized officer or partner.

STATE OF Pennsylvania

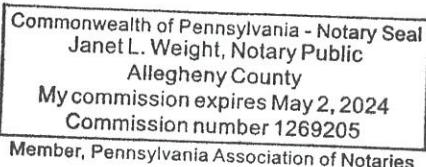
COUNTY OF Allegheny

Subscribed and sworn to before me this 17 day of May, of this year

2023.

Janet L. Weight
Notary Public

My commission expires May 2, 2024



LIMITED WARRANTY DEED

(REO 983)

Instrument Book Page
200100004151 OR 1313 83

KNOW ALL MEN BY THESE PRESENTS: That PRINCIPAL LIFE INSURANCE COMPANY, an Iowa corporation, formerly known as, Principal Mutual Life Insurance Company ("Grantor"), for valuable consideration paid, grants, with limited warranty covenants to WD MT. CARMEL, LLC, a Delaware limited liability company ("Grantee"), whose tax mailing address is 711 High Street, Des Moines, Iowa 50392, the following real property (the "Property"):

See Exhibit A attached hereto and made a part hereof.

There are excepted from the limited warranty covenants and the Property is conveyed subject to the exceptions set forth on Exhibit B attached hereto.

Prior Instrument References: Official Record Volume 1033, page 739, of Clermont County, Ohio Land Records.

Executed as of this 29th day of January, 2001.

Signed and acknowledged in the presence of: PRINCIPAL LIFE INSURANCE COMPANY, an Iowa corporation

Hilary E. Lango
Printed Name Hilary E. Lango

By: Donna Lutcavish
Its: Donna Lutcavish
Assistant Director
Commercial Real Estate

Debra M. Givens
Printed Name Debra M. Givens

By: L.B. Valentine
Its: L.B. Valentine
Counsel

This instrument prepared by:

Donna Lutcavish
Donna Lutcavish
Principal Life Insurance Company
711 High Street
Des Moines Iowa 50392

JC\mn\s:\credit\reo\983\g46.3.lwd
12/21/00

200100004151
Filed for Record in
CLERMONT COUNTY, OH
CAROLYN GREEN
02-09-2001 09:22 am.
DEED 30.00
OR Book 1313 Page 83 - 88

STATE OF Iowa
COUNTY OF Polk

The foregoing instrument was acknowledged before me this ____ day of January, 2001 by
Donna Lutavish and L.S. Valentine, as Assistant Director and
Counsel, respectively, of PRINCIPAL LIFE INSURANCE COMPANY, an Iowa
corporation, formerly known as Principal Mutual Life Insurance Company, on behalf of the
corporation.



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This conveyance has been examined and the
Grantor has complied with Section 319.202
of the Revised Code.

Filed in the office of
LINDA L. FRALEY
CLERMONT COUNTY AUDITOR
2-9-01

APPROVED
FOR TRANSFER
CARL G. HARTMAN
COUNTY ENGINEER
CLERMONT COUNTY, O.
BY: *SNB*

FEES
EXEMPT
LINDA L. FRALEY, County Auditor

EXHIBIT A
By: *SNB*
Deputy Auditor

FEB 04 1981

BK. 32 PG 13B PAR. 017. -6.875

Situated in Mosely's Military Survey Number 1115, Union Township, Clermont County, the State of Ohio, and being the same tract of land heretofore conveyed to Sunbelt-Dix, Inc., recorded in Official Record 931, page 294 and in Official Record 931, page 290 of the Clermont County Deed Records, and being more particularly described as follows:

Commencing at the intersection of the east line of Bell's Lane, as shown on Charles A. Bell's Subdivision, filed in 2L-13A of the Clermont County Survey Records, dated August 30, 1958, and the southerly limited access right-of-way line of State Route 74 (known now as State Route 32), as shown on right-of-way plans dated 1961 and filed under reference number CLE-74-00.01 at Ohio Department of Transportation Office.

Thence with said southerly limited access right-of-way, S 54°17'49" E a distance of 20.62 feet to an iron pin set being the principal Point of Beginning;

Thence along said southerly limited access right-of-way, on the following three (3) courses and distances,

1. S 54°17'49" E a distance of 155.06 feet to an iron pin;
2. S 76°57'41" E a distance of 164.02 feet to an iron pin;
3. S 76°57'41" E a distance of 182.70 feet to an iron pin;

Thence leaving said southerly limited access right-of-way line, N 87°46'40" E a distance of 116.27 feet to northwesterly most corner of a tract of land heretofore conveyed to Peter Ulbrich by deed recorded in Deed Book 337, page 482, of the Clermont County Records;

Thence along the west line of Peter Ulbrich's tract of land, S 02°21'50" W a distance of 435.93 feet to a P.K. nail in the centerline of Old State Route 74 being the southeast corner of the herein described tract;

Thence along said centerline, S 87°45'08" W a distance of 617.69 feet to the southeast corner of a 0.1818 acre strip of land acquired by The Board of County Commissioners of Clermont County, Ohio for right-of-way purposes and recorded in Official Record Book 917, page 512 of Clermont County Deed Records.

Thence with the east line of said strip of land (passing an iron pin at 31.85 feet) N 05°00'00" E a distance of 466.04 feet to an iron pin;

Thence continuing N 05°00'00" E a distance of 158.47 feet to an iron pin;

Thence N 25°38'56" E distance of 2.06 feet to the Point of Beginning.

Book Page
1313
Instrument OR
200100004151
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Containing 6.857 acres more or less.

Subject to the right-of-way of Old State Road 74 (60' wide) along the south 30 feet of the above described land and the right-of-way of S.R. 32 (width varies) across the northeast corner of said land.

Being a result of the aforementioned survey and plat dated October 13, 1997 by Michael F. Feldbusch, P.S. Ohio Registration No. S7761.

For informational purposes only -
not part of legal description

REO 983 Property #59
550 Old State Rt 74, Mt. Carmel, OH 45244, Winn-Dixie, Store #1705

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EXHIBIT B

1. Ad valorem real estate taxes, which are a lien not yet delinquent.
2. Utility Easement to The Cincinnati Gas & Electric Company dated March 17, 1950 and recorded July 28, 1950 in Miscellaneous Book 12, page 185 of the Clermont County, Ohio Records.
3. Utility Easement unto The Cincinnati and Suburban Bell Telephone Company recorded January 22, 1906 and recorded in Miscellaneous Book 1, page 439 of the Clermont County, Ohio Records.
4. Easement unto The Cincinnati and Suburban Bell Telephone Company dated July 22, 1955 and recorded August 3, 1955 in Miscellaneous Book 15, page 550 of the Clermont County, Ohio Records; said easement having been partially released in a certain Partial Release of Easement dated January 21, 1998 and recorded February 4, 1998 in Official Record 1013, page 717 of the said land records.
5. Easement for Highway purposes granted to the State of Ohio in a document dated April 26, 1961 and recorded in Highway Book 8, page 58 of the Clermont County, Ohio Records.
6. Easement for Highway purposes unto the State of Ohio dated May 11, 1961 and recorded September 29, 1961 in Miscellaneous Book 8, page 130 of the Clermont County, Ohio Records.
7. Grant of Water Easement with Right of Re-Entry For Repair and Replacement dated March 19, 1998 and recorded August 7, 1998 in the Clermont County, Ohio Records Book 1115, page 809.
8. The following matters as shown on a certain survey entitled "ALTA/ASCM LAND TITLE SURVEY Job No. 97311-09 made by US Surveyor/AES Group Inc. under the direction of Michael F. Feldbusch, Ohio Registration No. S-7761 dated October 13, 1997, last revised December 9, 1997:
 - a. unrecorded easement, if any, for 2.5" gas line entering the property from Old State Route 74;
 - b. unrecorded easement, if any, for a 6" sanitary line entering the property from Old State Route 74;
 - c. unrecorded easements, if any, for underground and overhead utility lines along the easterly boundary of the property;

- d. unrecorded easements for catch basins and storm sewer lines throughout the property;
- e. drainage rights, if any, across State Route 32 through storm sewer line as shown; and
- f. encroachment by building located on the land over zoning setbacks from roads to the extent of 1.71 feet and 1.64 feet as to Old State Route 74 and .06 feet as to State Route 32.

9. Pending assessments for Bells Lane Roadway, which are liens not yet delinquent.

10. Memorandum of Lease dated March 9, 1998, filed March 17, 1998 of record in Official Record Book 1033, page 742, Recorder's Office Clermont County, Ohio, between Principal Mutual Life Insurance Company, as lessor, and Winn-Dixie Midwest, Inc., as lessee. Notice of merger and name change filed August 28, 2000, wherein Winn-Dixie Midwest, Inc. changed its name to Winn-Dixie Charlotte, Inc.

JC\mn\s:\credit reo\983\g46.3 lwd
12/21/00

