



UNION TOWNSHIP BOARD OF TRUSTEES  
AUGUST 8<sup>TH</sup>, 2023 MEETING

## OVERLAY DISTRICT PLAN

ALFAA LLC, Applicant  
4414 AICHOLTZ ROAD / Parcel ID # 413105A137



### *Staff Report: CASE # 6-23-O*

---

#### **NATURE OF REQUEST**

The Applicant is requesting Overlay District Plan Approval from the Union Township Board of Trustees for Parcel# 413105A137. Specifically, the Applicant is seeking to develop a vehicle fueling station with a convenience retail component—on a 1.294-acre site that is located within the Central Retail (S.R. 32) Focus Area Overlay – Commercial Corridor (FA-CC). *\*Please refer to the Applicant's statements, plans, and other application enclosures.*

#### **LOCATION**

The subject property is located at 4414 Aicholtz Road, on the northern corner of the Aicholtz Road and Eastgate Boulevard intersection. 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) in the area of the Eastgate Boulevard intersection. Eastgate Boulevard is a Major Collector 5-lane roadway, including a center left turn lane, with a traffic volume of approximately 15,500 average daily trips (ADT) in the area of the Aicholtz Road intersection.

#### **ZONING**

The subject property is zoned Business (B-1), with the adjoining property to the north, northeast and west also zoned Business (B-1) for the underlying zoning. The property to the south and southeast is 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 subject property is located within the Central Retail (S.R. 32) Corridor. Currently, this portion of the corridor contains a variety of commercial / business uses. As this Corridor continues to remain the primary commercial area within Union Township, new development activities, including infill development, have remained steady.

Among other things, the Plan calls for architectural standards that promote cohesive and attractive design and an enhanced quality of life (and additional investment), sidewalks in this area, shared driveway and parking configurations whenever practical, and site development to be conducted in a manner that focuses on maximizing land use efficiency with infill development. For commercial development, the use of traditional building materials, adequate vegetative buffering, landscaping strategies along shared property lines, and landscaping enhancements along the corridor frontage is also required, in accordance with the Plan.

## **RELATIONSHIP TO THE FOCUS OVERLAY DISTRICT REGULATIONS**

As noted in the previous section of the staff report, the affected property is located within the Central Retail (S.R. 32) Corridor. Article 13 of the Union Township Zoning Resolution identifies this corridor as a “Commercial Corridor,” and states:

### 1307. Focus Area Overlay-Commercial Corridor 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 (1) 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, 4,968 square foot freestanding building with corresponding fuel pumps on a vacant parcel. The Applicant has proposed a high-quality primary structure consisting of traditional building materials, with a new sidewalk along Eastgate Boulevard. A landscaping plan is forthcoming.

## **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 primary structure of traditional building materials; however, staff needs more information to make proper determinations regarding the proposed signage and the gas canopy design(s). The site is anticipated to be accessed by: 1) a right-in / right-out on Eastgate Boulevard; 2) a right-in (only) from Aicholtz Road; and 3) a full access onto the Eastgate Pavilion Shopping Center driveway (that intersects with Aicholtz Road). *To accommodate the access onto the Eastgate Pavilion Shopping Center driveway, per the County Engineer's staff request, the Applicant had to reconfigure the original site plan by moving the primary structure 20 feet closer to Aicholtz Road, necessitating relief (~20 feet) of the Business District's 40-foot front yard setback from the road right(s)-of-way.*

The proposed parking and driveway areas on the current plans appear to be sufficient—and a sidewalk is proposed along Eastgate Boulevard for pedestrian connectivity from / through the site to the sidewalk along the west side of Aicholtz Road. A photometric plan has been included, although some minor adjustments would be needed in the northeastern areas of the site (where new lighting is proposed). Finally, the landscaping plans still need to be submitted and the proposed dumpster would need to be properly screened, in accordance with the requirements set forth in the Union Township Comprehensive Land Use Plan and the Zoning Resolution.

## **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.
  - a. With respect to this item, staff would request the results of any sight distance and / or traffic analysis required by the Clermont County Engineer's staff to be provided immediately.
- 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) The Applicant would need to provide a detailed landscaping plan, to include the types of plantings along with the heights / sizes recommended along the edges of the property as well as the perimeter of the proposed dumpster enclosure. Additionally, any *existing* landscaping to remain and proposed landscaping should be marked as preservation area(s), and any vegetation disturbed should be repaired, supplemented, or replaced. *This is an item that can be addressed administratively by staff.*
- 4) The photometric / site lighting plan would need to be adjusted along the northeastern portion of the property (where new lighting is proposed). All lighting would also need to be noted as being downward directed, and of sufficient intensity to illuminate without projecting onto the adjoining property. \*Details / specs of proposed lighting would be necessary. *This is an item that could be addressed administratively by staff.*
- 5) Architectural details for the rear and sides of the primary structure, as well as the proposed gas canopy area (including the pillars of the canopy), would need to be submitted. *This is an item that could be addressed administratively by staff.*
- 6) A more-detailed signage plan would ultimately need to be submitted. All free-standing signage should be limited to monument signage, capped at a height of not more than 8' from finished grade, *subject to administrative review and approval.*
- 7) As of **August 1<sup>st</sup>, 2023**, the other items that would need to be added to the current plans and associated materials prior to any final administrative actions included:
  - a. A proposed dumpster screening detail needs to be provided and approved;
  - b. A construction schedule would need to be provided with the revised plans.
  - c. A commercial zoning permit would also ultimately need to be submitted.*>These are all items that can be addressed administratively by staff.*



EASTGATE PROFESSIONAL OFFICE  
1252 STATE ROUTE 28 MILFORD, OH 45150

## PROPERTY INFORMATION

4414 AICHOLTZ RD  
PARCEL #: 413105A137  
CONTAINING 1.29 ACRES TOTAL

## BASIS OF BEARINGS

BEARING IS BASED ON LEGAL STATE PLANE COORDINATE  
SYSTEM NAD 83 (NO TRANS) OHIO SOUTH ZONE.

FLOOD DATA

MAP #: 39025C0225G  
ZONE X  
COMMUNITY NUMBER: 390065  
PANEL: 0226G  
EFFECTIVE DATE: 3/16/2006

ZONING

UNION TOWNSHIP  
CLERMONT COUNTY, OHIO  
ZONE (B-1): COMMERCIAL  
SETBACKS:

FRONT YARD=40'  
SIDE YARD=40'  
REAR YARD=10

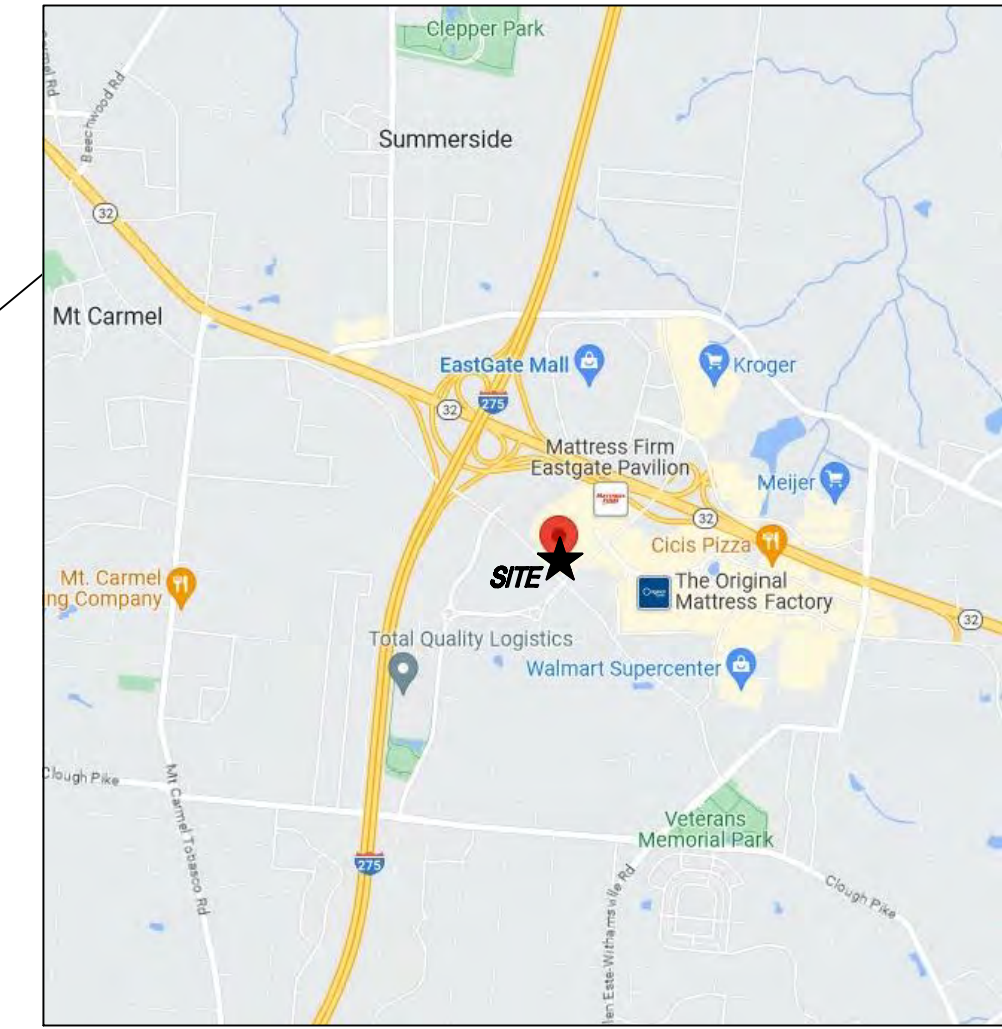
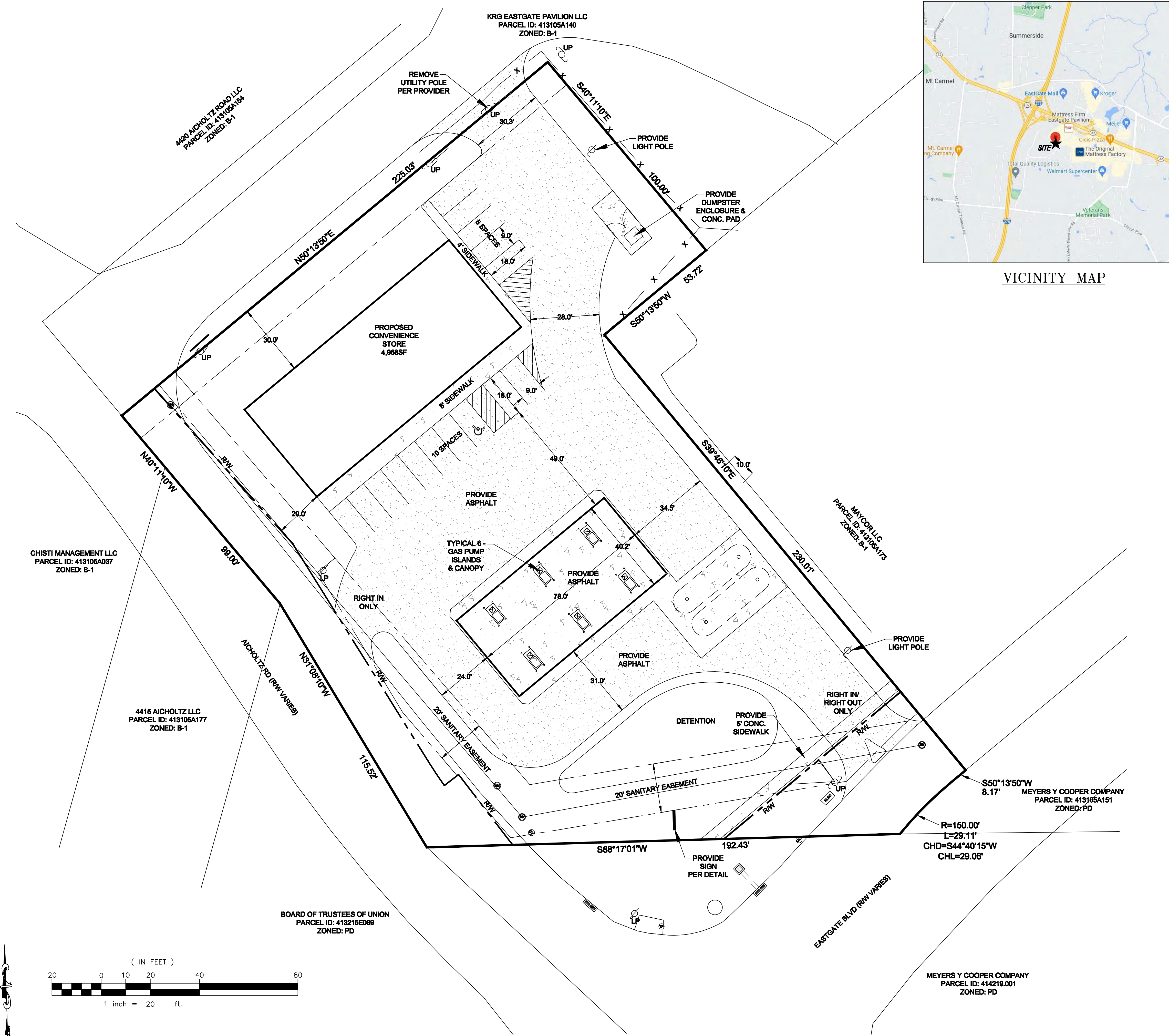
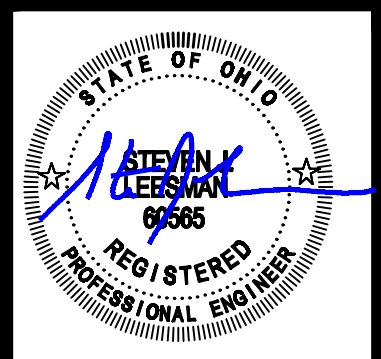
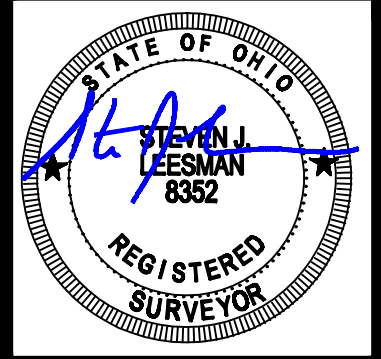
## PARKING REQUIREMENTS

Motor vehicle service stations: two (2) for each service bay and one (1) for every two (2) gasoline pumps.

REQUIRED PARKING SPACES: 6 pumps = 3 Spaces

TOTAL REQUIRED PARKING SPACES: 3 spaces

TOTAL PROVIDED PARKING SPACES: 15 Spaces

VICINITY MAP

**ALFAA GAS STATION**  
4414 NICHOLTZ RD., CINCINNATI OHIO 45245

**LEESMAN ENGINEERING & ASSOC.**  
ENGINEERING, SURVEYING, PLANNING  
27200 TOPIC HILLS, CINCINNATI, OHIO 45248 513/417-7-0420

**S  
J  
L** engineers

DRAWING TITLE

SITE PLAN	
PROJ. NO. C-STORE	DATE 7-31-2023
DRAWN JER	CHECKED SJL

**DRAWING NO.**

C 1

2 WORKING DAYS  
BEFORE YOU DIG  
UTILITIES PROTECTION SERVICE



### 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 Vacant
- Proposed Focus Area District and Classification Category CENTRAL (S.R. 32)
- RETAIL CORRIDOR
- Proposed Land Use Gas Station / Convenience Store

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

A NEW CONVENIENCE / GAS STORE

## 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.

Applicant\*

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

STATE OF Kentucky

COUNTY OF Clark

Subscribed and sworn to before me this 7<sup>th</sup> day of July, of this year 2023.

Notary Public

My commission expires 3/22/26

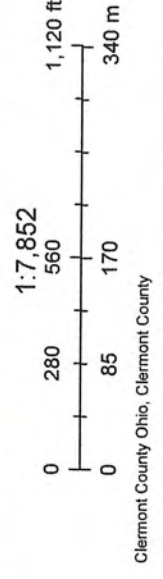




413105A137.



July 11, 2023





3136



BK: 2150 PG: 1016

200800028397  
Filed for Record in  
CLERMONT COUNTY, OH  
CAROLYN GREEN  
11-18-2008 At 09:40 am.  
DEED 36.00  
OR Book 2150 Page 1016 - 1018

(ABOVE LINE FOR RECORDER'S USE ONLY)

### LIMITED WARRANTY DEED

**EASTGATE PROFESSIONAL OFFICE PARK RETAIL, LLC**, an Ohio limited liability company, whose address is 4357 Ferguson Drive, Suite 220, Cincinnati, Ohio 45245 (hereinafter "Grantor"), for valuable consideration to it paid by **EASTGATE PROFESSIONAL OFFICE PARK RETAIL, LLC**, an Ohio limited liability company, whose address is 4357 Ferguson Drive, Suite 220, Cincinnati, Ohio 45245 (hereinafter "Grantee"), grants with limited warranty covenants to said Grantee, the following described real estate (the "Real Estate"):

SEE EXHIBIT "A" ATTACHED  
HERETO AND MADE A PART HEREOF

This deed is executed for the sole purpose of consolidating the parcels of real property owned by Grantor into one parcel described herein as the Real Estate. The Real Estate is conveyed subject to legal highways, easements, conditions, restrictive covenants of record, and installments of taxes and assessments due and payable after the date hereof.

Prior Instrument Reference: Official Record Book 1895, Page 738,  
Clermont County, Ohio Records

Grantor has executed this Deed this 14 day of November, 2008.

GRANTOR:

EASTGATE PROFESSIONAL OFFICE  
PARK RETAIL, LLC, an Ohio limited  
liability company

By: 

Gregory K. Crowell,  
Managing Member

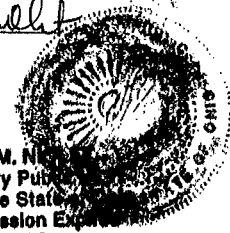
STATE OF OHIO )  
COUNTY OF CLERMONT ) SS:

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 2008 by Gregory K. Crowell, Managing Member of EASTGATE PROFESSIONAL OFFICE PARK RETAIL, LLC, an Ohio limited liability company, on behalf of said limited liability company.

  
Notary Public

This instrument prepared by:  
Herbert B. Weiss, Esq.  
Keating Muething & Klekamp PLL  
One East Fourth Street, 14<sup>th</sup> Floor  
Cincinnati, Ohio 45202  
(513) 579-6400



  
JANEL M. N.  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
2-10-13

BK: 2150 PG: 1017

41.31-05A-165

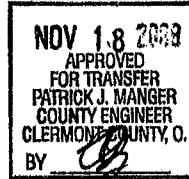
EXHIBIT A *Combined*

LEGAL DESCRIPTION

FOR

1.2938 ACRES

TD 41 BK 31 PG 05A PAR 137.  
1.294 (TOTAL) AC.



#2428  
This conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.

FEES \_\_\_\_\_  
EXEMPT ☒  
LINDA L. FRALEY, County Auditor

Being a parcel of land situated in Mathew's Military Survey No. 1138, Union Township, Clermont County, Ohio, and being located within the following points and boundary thereof:

Filed in the office of  
LINDA L. FRALEY  
CLERMONT COUNTY AUDITOR  
Date 11/18/08  
By [Signature] Deputy Auditor

Commencing at the point of intersection of the centerline of State Route 32 and the centerline of Eastgate Boulevard as per the right-of-way drawings for Interstate 275, Section Cle 6.68; thence along the centerline of Eastgate Boulevard for the following three (3) courses: S. 17° 58' 27" W., 315.16 feet, along a circular arc of 322.56 feet deflecting to the right having a radius of 572.96 feet and being subtended by a chord bearing S. 34° 06' 08" W. 318.32 feet and S. 50° 13' 50" W. 1,127.38 feet to a mag nail set, said point being the **real point of beginning** of the parcel herein described; thence from said beginning point, continuing along the centerline of Eastgate Boulevard, for the following two (2) courses: S. 50° 13' 50" W. 8.17 feet and along a circular arc of 29.11 feet deflecting to the left having a radius of 150.00 feet and being subtended by a chord bearing S. 44°





BK: 2150 PG: 1018

40' 15" W. 29.06 feet to a mag nail set; thence leaving the centerline of Eastgate Boulevard S. 88° 17' 01" W. 192.43 feet to a mag nail set in the centerline of Aicholtz Road; thence along the centerline of Aicholtz Road, for the following three (3) courses: N. 31° 08' 10" W. 115.52 feet to a mag nail set; thence N. 40° 11' 10" W. 99.00 feet to a mag nail set, thence N. 42° 05' 10" W. 1.00 feet to a mag nail set, thence leaving the centerline of Aicholtz Road N. 50° 13' 50" E. 225.03 feet to an iron pin found, passing an iron pin found at 19.97 feet, thence S. 40° 11' 10" E. 100.00 feet to an iron pin found, thence S. 50° 13' 50" W. 53.72 feet to an iron pin set, thence S. 39° 46' 10" E. 230.01 feet to the point of beginning of this described real estate containing 1.2938 acres of land, more or less and subject to legal highways and easements of record.

The above described real estate is all of the same premises as recorded in O.R. 1895, Page 738 of the Clermont County Deed Records. The above described real estate is all of Parcel ID 413105A137 and Parcel ID 413105A165.

This description is a result of a survey prepared by Mark D. Walker Registered Surveyor No. 8282 of Professional Engineering Group, LLC. dated September 19, 2008.





1 ELEVATION  
G002 SCALE: 1/8" = 1'-0"



2 3D VIEW A  
G002 SCALE: