



## Department of Planning and Economic Development

Staff Report to the Planning Commission December 12, 2019

### 1010 and 1100 Rochester Rd. Rezoning for Speedway

<b>REQUEST</b>	Rezoning recommendation to City Council
<b>APPLICANT</b>	Robert Sweet McBride Dale Clarion 5721 Dragon Way, Suite 300 Cincinnati, OH 45227
<b>LOCATION</b>	Southwest corner of Rochester and Avon Roads
<b>FILE NO.</b>	19-038
<b>PARCEL NOS.</b>	Part of 15-22-226-021 and part of 15-22-226-014
<b>CURRENT ZONING</b>	B-3 Shopping Center Business with an FB-3 Flexible Business Overlay
<b>REQUESTED ZONING</b>	B-5 Automotive Service Business
<b>STAFF</b>	Kristen Kapelanski, Manager of Planning

### Summary

The proposed rezoning would change approximately .25 acre of a 13-acre parcel and .12 acre of a .7-acre parcel zoned B-3 Shopping Center Business district to B-5 Automotive Service Business at the southwest corner of Rochester and Avon Roads. In 2007, Speedway purchased land zoned B-3 from the former T & C credit union to the west, which had an L-shaped parcel, but the zoning was not changed, which was recently discovered, and the parcel with the gas station has dual zonings – B-3 and B-5. Rezoning it would make that entire parcel B-5. The applicant is under contract to purchase .25 acre zoned B-3 from the owners of the Winchester District mall. They would like it rezoned to B-5 and added to the .7-acre parcel to facilitate a demo and enhanced rebuild of the Speedway gas station.

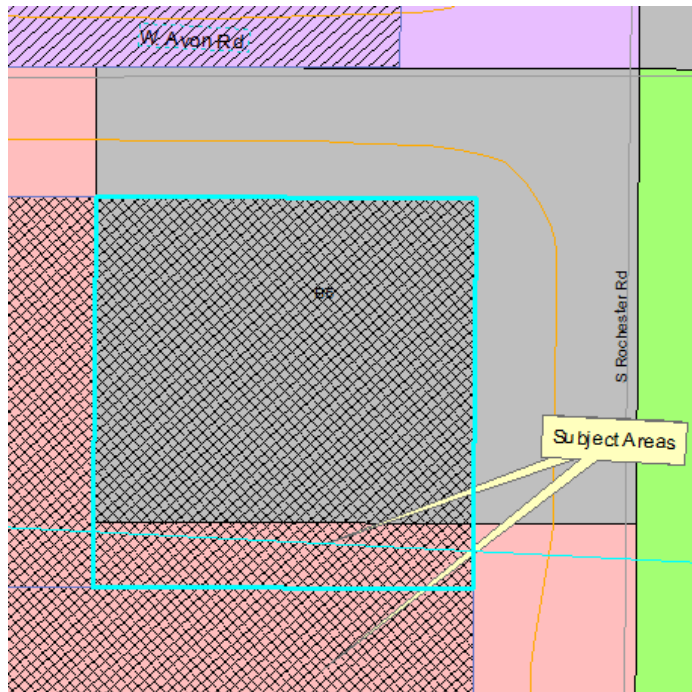
The applicant has concurrently submitted site plans for a new Speedway with convenience store. During a conceptual review of the site plans, it was determined that adding more land would allow reconfiguration of the canopy to improve onsite circulation and improve cross access to the shopping center. For informational purposes, two access drives, one on Rochester and one on Avon both closest to the intersection, will be removed, and the remaining two on Avon and Rochester will be rebuilt. Eliminating driveways will allow better access management, as called for in the Rochester Rd. Corridor Study. As you are aware, a rezoning request cannot be reviewed with a potential site plan unless the applicant offers a conditional rezoning. However, approval of the rezoning request may allow quality redevelopment, traffic and pedestrian safety improvements and cross access to adjoining properties, which follow the goals and objectives of the Master Plan.

	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	<b>B-3 Shopping Center Business with FB-3 Flex Business Overlay</b>	<b>Parking and drive access</b>	<b>Commercial Residential Flex 3</b>
North	I Industrial	Sanyo Machine Corp.	Residential Office Flex
South	B-3 with FB-3 Overlay	Parking and drive access to mall	Commercial Residential Flex 3
East	Special Purpose	Leader Dogs for the Blind	Special Purpose
West	B-3 with FB-3 Overlay	Credit Union	Commercial Residential Flex 3

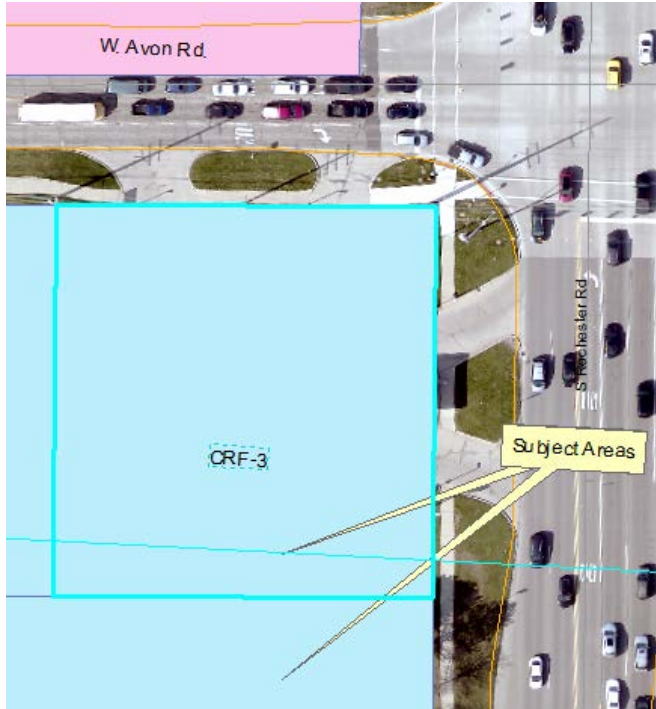
**Aerial Photograph**



**Current Zoning**



## Future Land Use Map



## Master Land Use Plan Considerations

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The Future Land Use Map calls for residential or commercial uses on the subject parcel and parcels to the south and west. The parcel to the north is planned for Residential Office Flex and to the east, planned Special Purpose where Leader Dogs for the Blind is located. The request for the rezoning would allow for commercial slightly more impactful than called for in the Master Plan, but CRF-3 is intended to be the most intense business use in the City.

## Criteria for Amendment of the Official Zoning Map

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*Section 138-1.200.D.* sets forth the criteria for consideration by the Planning Commission and City Council in making findings, recommendation, and decision for a rezoning request. Each of the criterion are listed below in italics, followed by staff comments.

- 1. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.* The Master Plan calls for CRF-3 Commercial Residential Flex-3 for this area which recommends community and regional land uses that can serve residents of the community or region. According to the applicant, “the rezoning request is related to the expansion of a long existing land use that will be improved aesthetically and provide residents and other customers quality building design, removal and reconfiguration of existing driveways, improvement to pedestrian safety and promotion of energy efficiency,” which is consistent with the goals and objectives of the Master Plan.
- 2. Compatibility with the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.* The site’s physical characteristics and location make it a feasible extension of the gas station. The site has existed as a gas station for many years and the use, which should be offered in a community, is appropriate at this corner.
- 3. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.* Information has not been provided comparing different development scenarios. The applicant states that the intent is to develop a cohesive development with cross access to the parcels to the west and south.

4. *Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.* The site is currently being used as a permitted gas station and obtaining this small piece of land will not add to the density or traffic impacts. The updated gas station will improve the aesthetics, and there should be no perceptible impact on neighboring uses or the environment. Closing drives will provide better access management.
5. *The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.* The proposed rezoning should not result in development that may have an increased demand on public utilities and services, and there should be adequate capacity to serve this site. The Engineering and Fire Departments will conduct a full review of public utility and service needs during site plan review.
6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.* Access management will be improved for the roads by closing two drives closest to the Avon/Rochester intersection, and the street system should be able to safely and efficiently accommodate the anticipated traffic. Cross access to adjacent parcels is desired in the City.
7. *The boundaries of the requested rezoning district are reasonable in relationship to surrounding & construction on the site will be able to meet the dimensional regulations for the requested zoning district.* The site is physically capable of accommodating development under B-5 dimensional standards.
8. *If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.* The Master Land Use Map shows this area for future development as slightly less impactful commercial; however, the areas must be rezoned to accommodate the improved circulation and access for the gas station redevelopment.
9. *If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or conditional uses in the current zoning district to allow the use.* It would not be considered feasible to allow B-5 uses in all B-3 districts.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.* There is commercial and other non-residential uses surrounding the subject site. Shared access will be provided to the western and southern parcels, now a credit union and shopping center.

## **Conclusion**

Although a site plan cannot be considered with a rezoning request, the proposed rezoning to the B-5 district would allow the areas to be an extension of the long-standing gas station and provide connectivity between adjacent developments, a priority in the Master Plan.

## **Motion to Recommend Approval/Denial to City Council**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 19-038 1100 S. Rochester Rd. and Speedway Rezoning) the Planning Commission **recommends approval/denial** to City Council of the proposed rezoning of .25 acre of parcel no. 15-22-226-014 and .12 acre of Parcel No. 15-22-226-021 from B-3 Shopping Center Business to B-5 Automotive Service Business District with following findings:

### **Findings for Approval**

1. B-5 is an appropriate zoning district at this location as it is compatible with the goals and objectives of the Master Land Use Plan to service residents of the community and the region.
2. Approval of the proposed rezoning will allow for uses that can complement the existing surrounding uses and will be a logical extension of the gas station site.
3. The proposed rezoning is consistent with the criteria for approval of an amendment to the Zoning Map, listed in *Section 138-1.200.D* of the Zoning Ordinance.

### **Findings for Denial**

1. Approval of the rezoning could facilitate greater impactful uses than currently allowed in the B-3 district, which is contrary to the Master Land Use Plan's vision for the future development of this area of the City.

2. Approval of the B-5 zoning district could increase the potential for development with higher trip generation rates in the area.
3. The applicant has submitted only verbal evidence that a reasonable return cannot be realized under the existing B-3 zoning district.

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Reference: Aerial map, Letter of Intent; Rezoning Justification Statement; Owner Authorization; & PHN

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