

**PLANNING COMMISSION MEETING
STAFF REPORT
MONDAY, MAY 20, 2024**

CASE NO: PC 24-0008
PROJECT NAME: PROJECT RIVERSIDE REZONING
PROJECT ADDRESS: 1600 BRANDT PIKE, RIVERSIDE, OH 45404
PARCEL ID: I39 00518 0017
APPLICANT/PROPERTY INFO: FREDA PATTERSON, 335 MARJORIE AVE, RIVERSIDE, OH 45404
OWNER/PROPERTY INFO: DONALD W. MARCUM, 965 GINGHAMSBERG RD, TIPP CITY, OH 45371
ZONING DISTRICT: R-3 MEDIUM DENSITY RESIDENTIAL
CURRENT USE: VACANT PLACE OF WORSHIP (INSTITUTIONAL)

REQUEST:

A zoning map amendment to rezone the 2.6-acre subject site from R-3 Medium Density Residential to B-2 General Business District.

CASE SUMMARY/BACKGROUND:

The subject site is just north of the Pleasant Valley Avenue and Brandt Pike intersection. The site is within the Source Water Protection Area. The property was the location of the church for many years. In early 2024 Project Riverside entered into a land contract with the owner to take over ownership of the property. This church had been operating as a nonconforming nonresidential use (nonprofit) in the residential district. The change of use to an entirely different nonresidential use triggered the need to rezone to the appropriate zoning district.

The applicant (Project Riverside) plans to utilize the existing structures and parking lot on the site. The nonprofit organization plans to hold community events and periodic auctions. There are no current plans to remodel the structure or redevelop the property.

INTERESTED PARTY COMMENTS:

A neighborhood meeting was held on April 01, 2024 and 4 residents attended. There were several members of Project Riverside present at the meeting to answer attendee questions. A summary of the neighborhood meeting was received by the staff and is attached to this report.

STAFF REVIEW/FINDINGS:

Staff finds that the requested zoning map amendment is adequately justified and **does** meet the standards for approval. Staff recommends that Planning Commission provide a positive recommendation to the City Council to **conditionally approve** the rezoning, because:

- proposed rezoning is consistent with the recommendations of the Comprehensive Land Use Plan,
- the proposed land use will align with the current and future development of the Northern Neighborhood Corridor,
- the project represents an adaptive reuse of an existing structure, and
- the development will not have a negative impact on property owners in the vicinity.

Recommended Condition:

Use of the subject site shall be limited to business offices, supermarket and specialty food stores as defined by USDA, basic research and development facilities, brewery with restaurant, multi-family housing, urgent care, professional doctor office, coffee shop, casual-dining restaurant with table service, and accessory uses or structures customarily incidental to any of the forementioned permitted principal uses. All such uses must be in compliance with the requirements of the Water Protection Overlay District. There shall be no other uses of this property unless prior approval is obtained from the Planning Commission. Notice of any requested change in use shall be given in accordance to UDO Section 1105.07.

The question before the Planning Commission is:

- **Does the proposal meet the standards for granting a zoning map amendment request established in Section 1105.07(C)?**

In order to answer this question, the Planning Commission should consider:

- information in the staff report (standards for approval, attachments, etc.),
- the goals and objectives of the Comprehensive Land Use Plan & zoning code, and
- testimony and/or evidence provided at the public hearing which directly relates to the rezoning request.

STANDARDS FOR APPROVAL FROM SECTION 1105.07 (C):

The following criteria shall be followed in approving zoning map amendments.

1. That the zoning district classification and use of the land will not materially endanger the public health or safety;

Yes, the permitted uses after reclassification to B-2 General Business District will not have adverse environmental or health impacts on the surrounding area. The property is located with the water protection overlay (Source Water Protection Area). Any permitted or conditional uses will be subject to the regulations of the WP Overlay. This includes submitting a Regulated Substance Activity Inventory Report to the City of Riverside/ Montgomery County Public Health.

The applicant is proposing an adaptive reuse of a former church for the operations of a nonprofit (Project Riverside) that provides community services and events. Montgomery County Public Health (PHDMC) will conduct annual inspections of the building on behalf of the Source Water Protection Program. Staff will coordinate with the applicant to ensure the change of use is compliant with all local and state regulations.

2. That the proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region;

Yes, this area is identified as the Northern Neighborhood Center in the ONE Riverside Land Use Plan. A neighborhood center is a development area which fosters neighborhood-focused, mixed-use amenities. These centers are designed for residents to be within easy travel distance from retailers, medical offices, parks, community services, and restaurants. The proposed land use – community service nonprofit – aligns with ONE Riverside’s recommendation. ONE Riverside highlights such development in order to promote community nodes as focal points for social and economic activity.

3. That the proposed zoning district classification and use of the land will not substantially injure the value of the abutting property;

The proposed zoning district classification and land use will not negatively affect abutting property. The proposed use is similar to the former nonconforming use.

4. That the proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located;

Yes, this proposed rezoning and land use will be in harmony with the scale, bulk, coverage, density, and character of the general vicinity. The proposed rezoning does not involve any remodeling of the structure or redevelopment of the land.

5. That the proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics;

Yes, the current infrastructure is adequate to serve the proposed land use.

6. That the proposed zoning district classification and use of the land will not cause undue traffic congestion or create a traffic hazard;

No, the Service Department has reviewed the application and finds the proposed land use would not create a traffic hazards.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Project Description
5. Comprehensive Plan Exhibits
6. Supplemental Information

STANDARDS FOR APPROVAL FROM SECTION 1105.07 (C):

The following criteria shall be followed in approving zoning map amendments.

1. That the zoning district classification and use of the land will not materially endanger the public health or safety;

Yes, the permitted uses after reclassification to B-2 General Business District will not have adverse environmental or health impacts on the surrounding area. The property is located with the water protection overlay (Source Water Protection Area). Any permitted or conditional uses will be subject to the regulations of the WP Overlay. This includes submitting a Regulated Substance Activity Inventory Report to the City of Riverside/ Montgomery County Public Health.

The applicant is proposing an adaptive reuse of a former church for the operations of a nonprofit (Project Riverside) that provides community services and events. Montgomery County Public Health (PHDMC) will conduct annual inspections of the building on behalf of the Source Water Protection Program. Staff will coordinate with the applicant to ensure the change of use is compliant with all local and state regulations.

2. That the proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region;

Yes, this area is identified as the Northern Neighborhood Center in the ONE Riverside Land Use Plan. A neighborhood center is a development area which fosters neighborhood-focused, mixed-use amenities. These centers are designed for residents to be within easy travel distance from retailers, medical offices, parks, community services, and restaurants. The proposed land use – community service nonprofit – aligns with ONE Riverside’s recommendation. ONE Riverside highlights such development in order to promote community nodes as focal points for social and economic activity.

3. That the proposed zoning district classification and use of the land will not substantially injure the value of the abutting property;

The proposed zoning district classification and land use will not negatively affect abutting property. The proposed use is similar to the former nonconforming use.

4. That the proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located;

Yes, this proposed rezoning and land use will be in harmony with the scale, bulk, coverage, density, and character of the general vicinity. The proposed rezoning does not involve any remodeling of the structure or redevelopment of the land.

5. That the proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics;

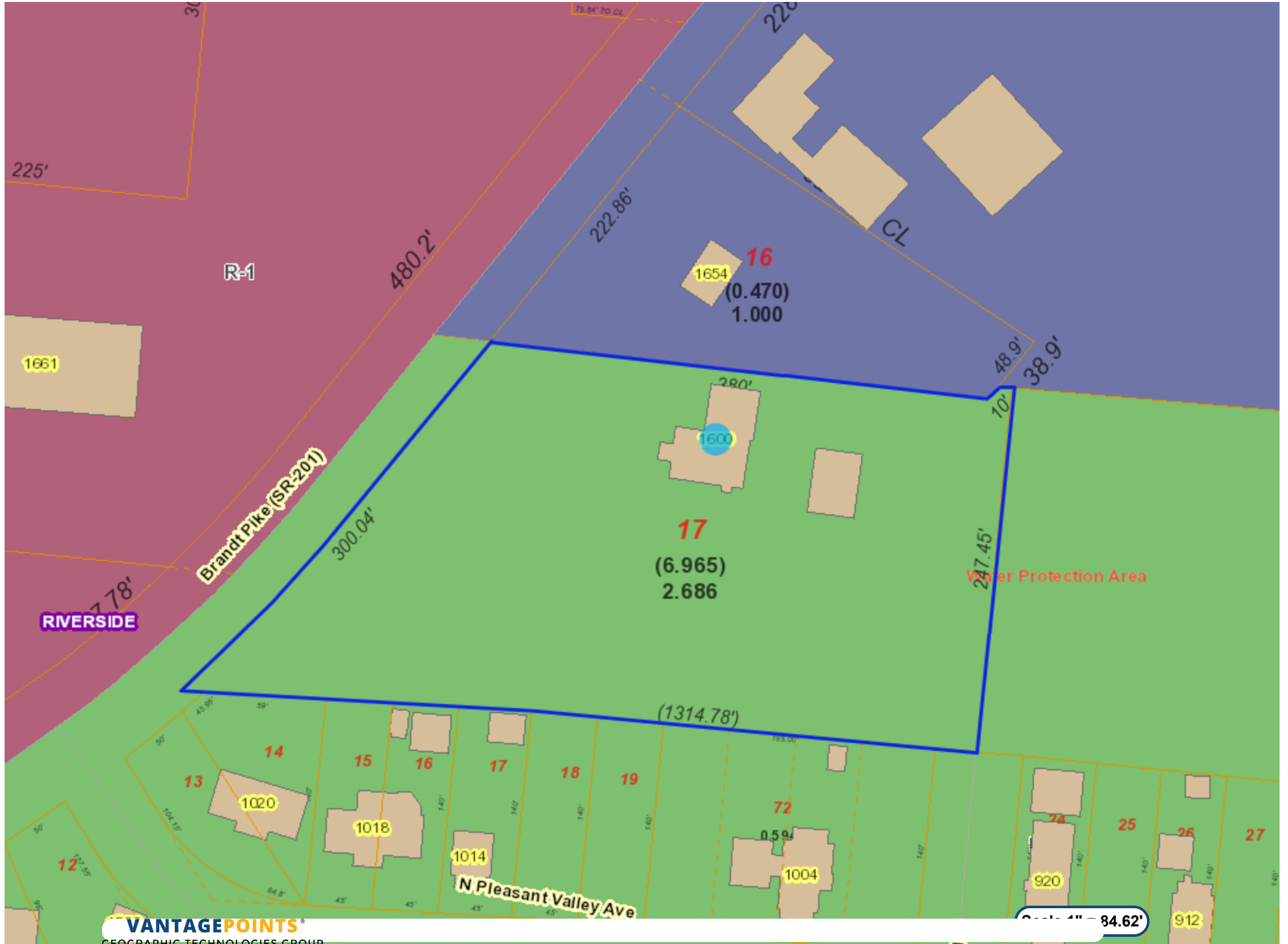
Yes, the current infrastructure is adequate to serve the proposed land use.

6. That the proposed zoning district classification and use of the land will not cause undue traffic congestion or create a traffic hazard;

No, the Service Department has reviewed the application and finds the proposed land use would not create a traffic hazards.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Project Description
5. Comprehensive Plan Exhibits
6. Supplemental Information





Right of Way

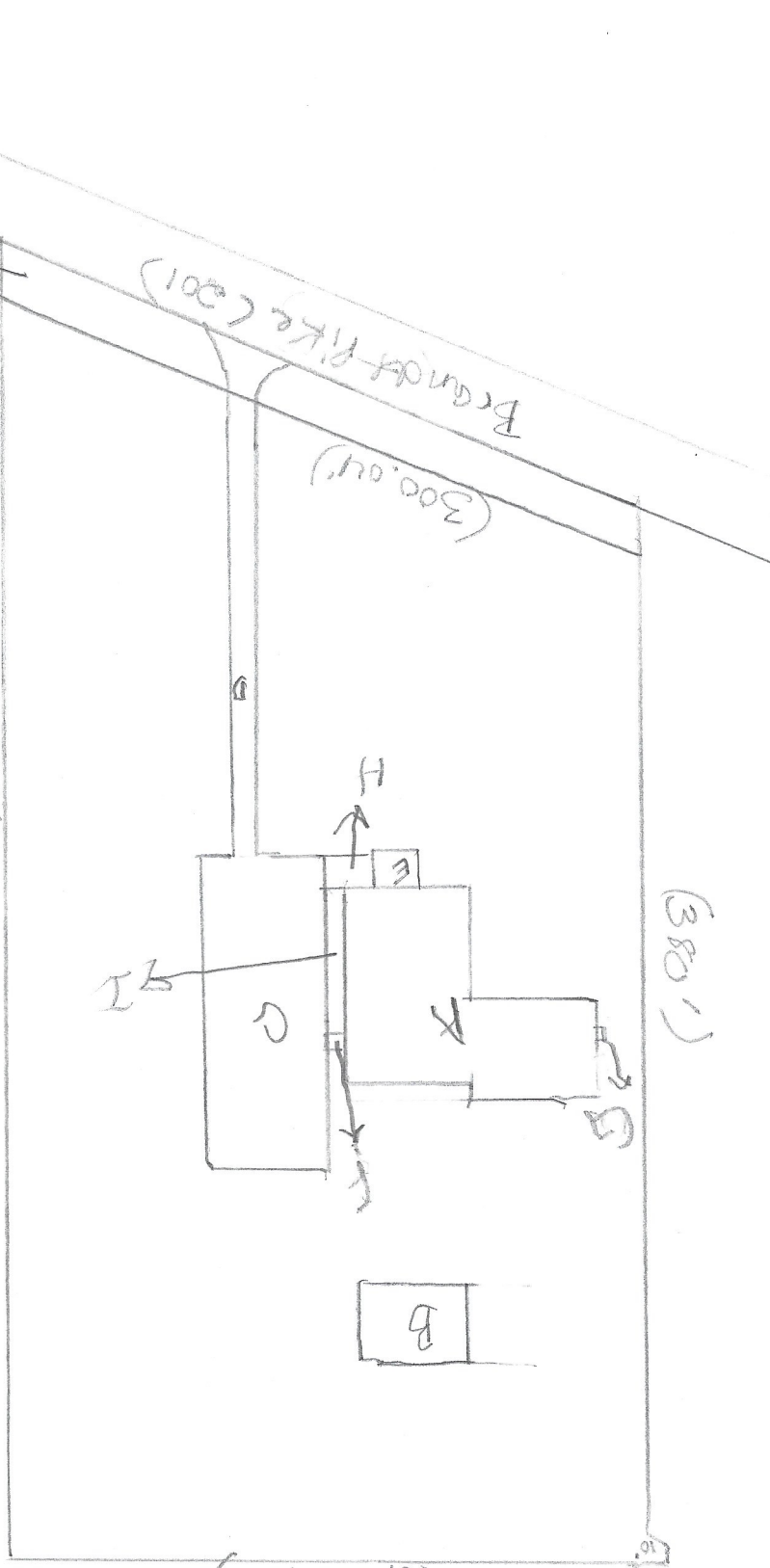
Brandt Pike (201)
(300.04')

(1314.78')

(380')

(247.25')

- A - Existing Building
 - B - Existing "Barn"
 - C - Existing Parking lot
 - D - Existing Driveway
 - E - Existing Covered Porch
 - F - Existing Extension
 - G - Existing Extension
 - H - Existing Sidewalk
 - I - Existing Sidewalk
- Flourbed



May 3, 2024

To: Members of Riverside Planning Committee and City Council

From: Freda Patterson, President of Project Riverside

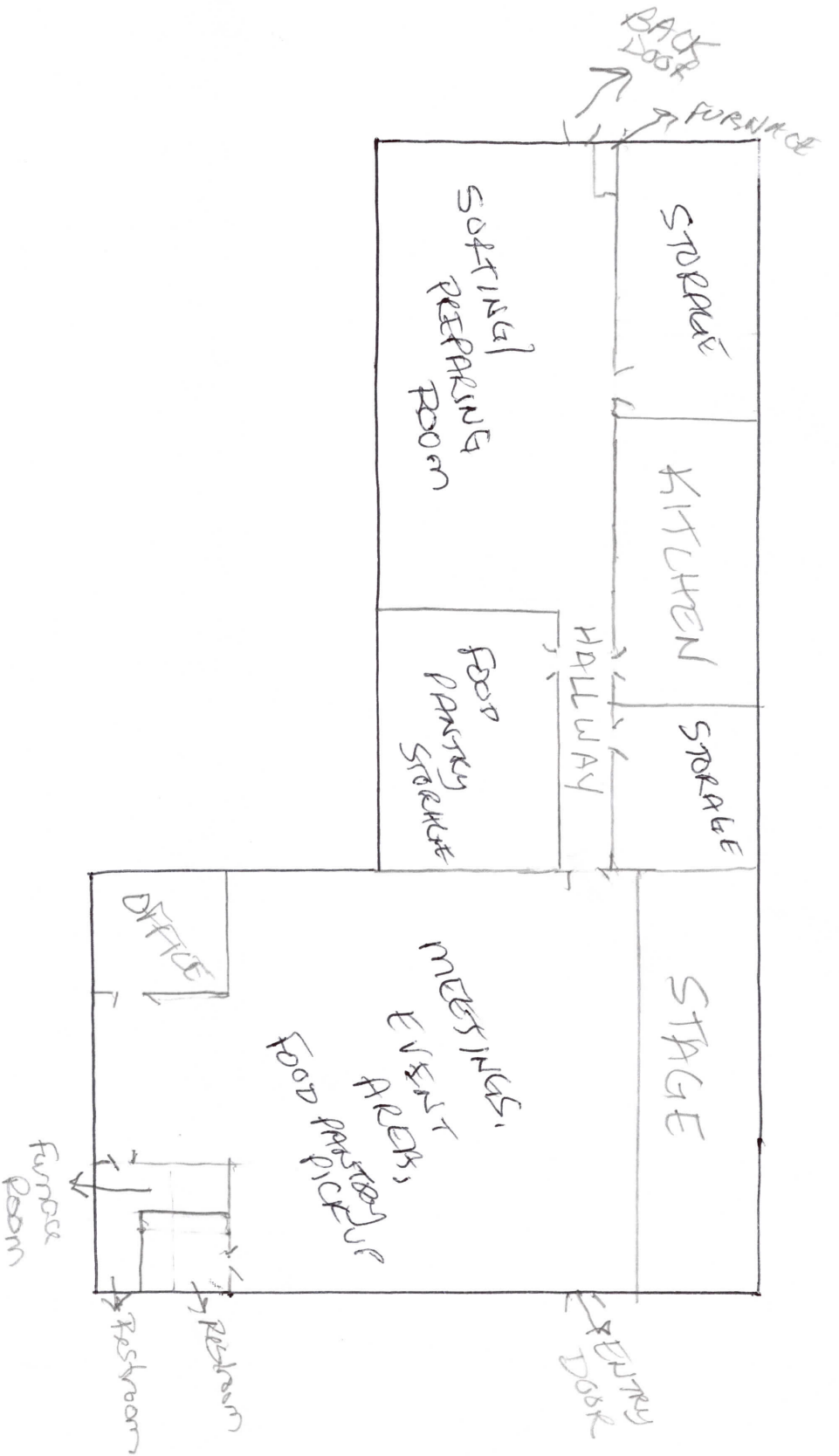
Project Riverside holds small events only on the property located at 1600 Brandt Pike. The weekly or bi-weekly quarter auction meets are for one hour on Saturdays. Small events for holidays, etc. are one to two hours. During these events, people come and go inside of the building so not everyone is inside at once.

All funds from the quarter auctions go into the checking account and pay for property costs (land contract mortgage, property taxes, utilities, etc.) and our events. Most of our funding is from the quarter auctions. We have no employees, we are all volunteers and we are not compensated.

I have included a site plan. I am no artist or architect so if anything is not understood, feel free to reach out to me for clarifications.

The buildings on the property pre-exist and there are no plans for any additional buildings to be added or for any remodeling of the current buildings. Only cosmetic work (painting, new flooring) is in our current or future plans. There is a fence on both sides and the back of the property, also pre-existing.

Thank you.

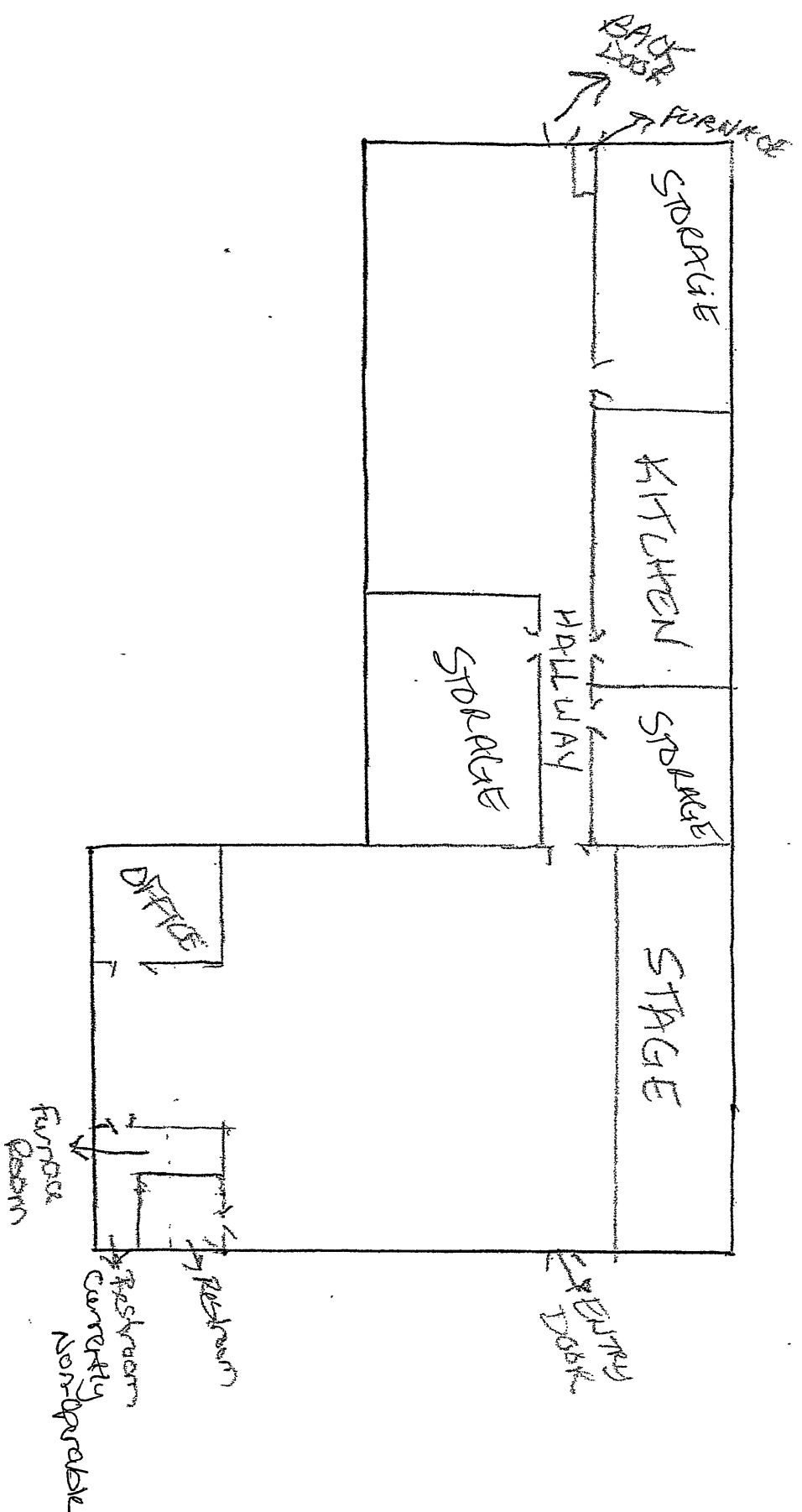


FUTURE USE

BRANDT PILE

BRAD PIVE

CURRENT USE



Project Riverside
1600 Brandt Pike
Riverside Ohio 45404

Summary of the Residential Rezone Request Meeting
April 1, 2024

We had 4 residents (2 couples) at the meeting. Our organization had several members present; myself, Alicia Hardwick, Shelbi Hall, Terry Mabe, Dan Ryan and Chasity Stidhem.

I started the meeting off with a clearer explanation of who we are and what we do. I explained how we make our funding and information about the events that we hold and where they are held.

Next I explained why the need to rezone. A resident asked what is allowed in a B2 Zone. None of us were able to find much information on the City of Riverside Codes. I was able to find information under the State of Ohio Codes. I read aloud quite a few and stated that we have no interest in a daycare, a bar or tavern, etc. A resident asked if the city was "making" us rezone and if they can make anyone rezone their property. I replied with what knowledge I have about zoning which is that we made the request to rezone so we can legally do what is needed to run our organization. I also stated that the city cannot "make" someone rezone their residential property to a Commercial/Business Zone.

Although not concerning our business, I was asked if the city was going to put a road through Rohrer Park. I explained by knowledge about the Land Use Plan and that the city can pick and choose what to implement from the plan and that to my knowledge there is no plans or intent to do such.

Another resident said they were there because their property butts up to ours and they like the privacy that the trees provide. They said they like that we are cleaning up the property but are requesting that it be left close to the property fence line. I responded that we like the privacy too and have no intent on cleaning all of it out.

The only other issue that was brought up is the mowing on Brandt. A resident questioned if it was the city's responsibility to keep it mowed. She said she has seen them do it but only once or twice a year and that it is very dangerous for them to do so with their push mower or riding mower. I did say that since obtaining the property on July 1, 2023, I had not seen the city mow it. I said I would ask city officials/staff. She is talking about the area that typically is city owned next to the road. Our property and theirs has a ditch line. I do not know how much of that is city owned sections.

There was more "general" conversations not pertaining to any concerns or questions regarding rezoning or city issues.

Thank you for your consideration to our request to be rezoned.

Sincerely,
Freda Patterson
President



Front of Subject Site



Adjacent Property Across Brandt Pike



Adjacent Property to the North



Adjacent Property to the South



Entrance to Subject Site



Existing Accessory Structure



Principal Structure (former Church)



Existing Parking Lot