



HAMILTON COUNTY

# Rural Zoning Commission

138 E COURT ST. RM. 801  
CINCINNATI, OH 45202-1224

## GENERAL INFORMATION

Phone: (513) 946-4550  
Fax: (513) 946-4475

### Commissioners

Joel Corneilus  
Christian James  
Robert Polewski  
David Steinriede  
Jerry Thomas  
Susan Olson, Alternate

### Secretary/ Executive Director

Todd Kinskey, AICP

### Board of County Commissioners

Greg Hartmann  
Chris Monzel  
Todd Portune

### County Administrator

Christian Sigman

### Planning & Development Executive Director

Gary VanHart, P.E.

### Development Services Administrator / County Zoning Inspector

Bryan Snyder, AICP

12  
Transfer Not Necessary

*Dusty Rhodes*  
Hamilton County Auditor

May 18, 2012

Honorable Wayne Coates  
Hamilton County Recorder  
County Administration Building  
138 E. Court Street, Room 209  
Cincinnati, OH 45202

*Runners' McDonald's Real Estate*

Wayne Coates  
Hamilton County Records Office  
Doc #: 12-0067857 Type: NCDE  
Filed: 05/30/12 01:41:54 PM \$0.00  
Off.Rec.: 12028 02088 F W39 12 462

1202802088Fb

Subject: Approval of a Planned Unit Development

Case: Columbia 2012-01; Wooster Pike McDonald's PUD

(Book 520, Page 110, Parcel 55)

7737 Wooster Pike, Columbia Township

Property Owner: McDonald's Real Estate, owner

Dear Mr. Coates;

The Rural Zoning Commission, at its regular meeting on Thursday, April 19, 2012, approved Case: Columbia 2012-01; Wooster Pike McDonald's PUD, under a Planned Unit Development (PUD-1). The parcel(s) is/are located in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio.

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the Record of Proceedings approved by the Rural Zoning Commission in session the 19th day of April, 2012.

Respectfully,

Bryan Snyder,  
Development Services/Zoning Administrator

REC'D FOR TRANS  
2012 MAY 30 PM 1:16  
DUSTY RHODES  
AUDITOR  
HAMILTON COUNTY OHIO

12028 2088

HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – APRIL 19, 2012

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PLANNED UNIT  
DEVELOPMENT: COLUMBIA 2012-01; WOOSTER PIKE MCDONALDS PUD

**REQUEST:** Approval of a Planned Unit Development in an existing E SPI-SC Retail - Special Public Interest District

**PURPOSE:** To construct a 300 square-foot addition to the dining room and a redesign of the building facades, roof and drive-thru

**APPLICANT:** McDonalds USA LLC (applicant) McDonalds Real Estate (owner)

**LOCATION:** Columbia Township: 7337 Wooster Pike, on the southeast corner of the Wooster Pike and Miami Run Intersection (Book 520, Page 110, Parcel 55)

**TRACT SIZE:** 1.2 acres

**REPORTS:** Received: DPW, ENG, MSD, HCSW, ODOT  
Pending: FPO, TT

**SPEAKERS:** J. Huth, B. Snyder, E. Reed, B. Groober, R. Riska

**DISCUSSION:** (Summary of topics)

Staff Comments:

1. **J. Huth** – Review of staff report
2. The site is currently over parked by 16 spaces. If they lost three spaces, they would still have 13 spaces more than what the Zoning requires.
3. The township supported the plan, as submitted, without the additional trees recommended by staff.
4. A lot of the developments along Wooster Pike, including Kroger and several others to the east, do have the streetscape buffer. We're trying to fill in some holes along Wooster Pike with the nice streetscape buffer that already exists.

Applicant Comments:

1. **E. Reed** (Bayer Becker) – We have removed one parking space already, in order to avoid an additional variance to the site plan. One of the requirements of your code is that you cannot have a parking space within 30 feet of the entry drive.
2. We also wanted to discuss the street buffer.
3. This site is heavily landscaped. The owner has put as much landscape as he can along the frontage. There is a retaining wall there that has vegetation along it. Although the vegetation can only be seen from on site, it prohibits us from putting any additional landscaping on top because there isn't adequate room between the wall and the sidewalk.
4. On the east, the parking lot is fairly level along Wooster Pike but as you go west the topography is about six feet lower. If we add the additional landscaping, we will lose 2 additional parking stalls.
5. We're increasing the restaurant to provide additional seating and we would be losing 2 additional parking spaces and the landscaping would be sitting below the road.
6. We are requesting approval of this PUD with removal of the condition that we eliminate two parking spaces and provide additional streetscape.
7. McDonald's frontage along Wooster Pike is about 230 linear feet.
8. **B. Groober** (owner/operator) – We are increasing the seating in the restaurant by about 50%, which is another 20 some seats. Taking out additional parking will make it problematic for us to put more people in the seats of the restaurant.
9. About 30 percent of our business comes into the restaurant. The other 70 percent use the drive thru. If we didn't have to lose those two parking spaces, it would be helpful to our business.

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10. There were originally 39 parking spaces but we'll only have 36 if we have to take all three away. The restaurant will seat 66.
11. **R. Riska** (McDonalds Corporation) – The retaining wall is a special kind that holds cups of dirt and you put plants in there so you see vegetation instead of a block retaining wall.

## Commissioner Comments:

1. **Steinriede** – I recognize that the objective of the streetscape buffer is aesthetics. Two canopy trees that staff suggested would soften that stretch along Wooster Pike.
2. I don't know if the benefit from two trees in that span would be significant enough to warrant condition one.
3. **Cornelius** – The other landscaping that they have looks very nice and everything is well kept. I don't know that the two extra trees are necessary.
4. **Polewski** – I don't know that the extra streetscape will serve a great purpose. What they have is beautiful.
5. **Olson** – This is very close to where I live and I know the township and residents want a nice looking business district. That being said, the property is beautifully landscaped. It is clear that someone has gone above and beyond to do that and would perceive that the improvement in parking and traffic chaos might be more important than the trees.

**MOTION:**

To consider approval of case Columbia 2012-01; Wooster Pike McDonalds PUD, a request for approval of a Planned Unit Development in existing E SPI-SC Retail - Special Public Interest District, subject to the standard covenants and conditions, variances and modification as per Attachment A.

Moved: Olson

Second: Steinriede

**VOTE:**

Aye: 5 Cornelius, James, Steinriede, Polewski, Olson

Nay: 0

Abstain: 0

**RZC ACTION:****APPROVAL** with Conditions**ATTEST:**Chairman: Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Rural Zoning Commission meeting.

**Attachment A**

The Rural Zoning Commission approves case Columbia 2012-01; Wooster Pike McDonalds PUD, approval of a Planned Unit Development in an existing E SPI-SC Retail-Special Public Interest District, subject to standard covenants and the following conditions, variances and modification:

**Conditions:**

1. ~~That two landscaped islands shall be provided within the existing parking lot along Wooster Pike with a minimum of one canopy tree located in each island.~~
2. That the existing exterior lighting on the site shall be permitted to remain provided that all future lighting shall comply with the requirement of the Zoning Resolution.

**Variances:**

1. Table 5-5 - That the existing storage building shall be permitted to be located seven feet from the eastern property line where the building is required to be located 10 feet from the eastern property line.
2. Section 13-5.3 - That the existing freestanding sign located on the northeastern corner of the site shall be permitted to remain in its current location, less than 10 feet from the Wooster Pike right-of-way, until such time that the sign is removed or relocated, at which time the sign shall be located so as to comply with the setback requirements of the Zoning Resolution.

**Modification:**

1. Section 14-5 - That the streetscape buffer area and existing landscape materials along Wooster Pike and Miami Run shall be preserved and maintained as indicated on the plan with no additional planting requirements ~~other than what is stated in Condition 1 above.~~

Note: Revisions of the Staff recommendations as approved by the Rural Zoning Commission are crossed out if deleted (i.e. ~~deleted by RZC~~) and shown underlined if added (i.e. added by RZC).

# **PLANNED UNIT DEVELOPMENT (PUD) STANDARD COVENANTS**

***BE IT RESOLVED*** that the Zoning Compliance Plan be subject to the conditions and declarations of Chapter 18, Sections 18-1 through 18-10.3 inclusive and subject further to the following conditions:

## ***SECTION 1: ZONING COMPLIANCE PLAN***

- 1.1 The Zoning Resolution may require site plans or drawings, terms, covenants and conditions of approval which are depicted or noted on the Zoning Compliance Plan or contained in this Resolution amending the zone map and are to be considered complementary and what is required by any one shall be as binding as if required by all.
- 1.2 No Zoning Certificate shall be issued by the zoning official before:
  - A. all "Requirements for Submission" of the Zoning Compliance Plan have been satisfactorily completed,
  - B. the Zoning Compliance Plan complies with the intent of this resolution, the Zoning Resolution, the Development Plan, PUD-1 or 2, SPI or S-PUD District and all other complementary regulations and documents,
  - C. the Zoning Compliance Plan complies with site plan recommendations of applicable development review agencies,
  - D. the Zoning Compliance Plan complies with the following additional requirements or standards:

### **Conditions:**

See conditions in attached minutes of the Rural Zoning Commission

- F. The methodology and criteria for effectuating and evaluating compliance with performance related covenants and conditions is noted on the Zoning Compliance Plan and accepted by the County Zoning Inspector.

## ***SECTION 2: ZONING CERTIFICATES***

- 2.1 No Zoning Certificate shall be issued by the office of the Zoning Inspector before:

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- A. a Zoning Compliance Plan in compliance with Section 1 above, has been received and approved by the Zoning Official, and
- B. all documents submitted for zoning certificates are fully coordinated and consistent with the approved Zoning Compliance Plan.

2.2 No building permit for actual construction shall be issued by the Department of the Building Commissioner before a Zoning Certificate is received from the Office of the County Zoning Inspector.

### **SECTION 3: FINAL COMPLIANCE DOCUMENTS**

3.1 No Final Zoning Inspection Certificate shall be issued by the County Zoning Inspector before the development complies with all requirements in this resolution as defined in Section 1.1, and the following documents are received and accepted by the County Zoning Inspector:

- A. a summary report from the County Engineer certifying that the approved plans and specifications for roadway and access improvements, either on-site or off-site, have been completely implemented, and that required rights-of-way have been dedicated,
- B. a summary report from the applicant's registered engineer or surveyor as required by and addressed to the Director of Public Works certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; Director of Public Works shall inform the County Zoning Inspector when such letter is received and accepted,
- C. a summary report from the Metropolitan Sewer District or County Board of Health certifying that the approved plan and specifications for sanitary sewer and waste water treatment have been completely implemented,
- D. a summary report from the registered landscape architect who prepared the plan, certifying completion of the landscape plan, and soil erosion and sedimentation control measures as specified on the approved plan; also noting any deviations and the reasons for such deviations,
- E. a summary report from the authorized Fire Prevention Officer under the jurisdiction of the Township Trustees, certifying that the approved plan and specifications for fire prevention have been completely implemented, and
- F. a summary report from the applicant's registered engineer, surveyor or attorney, certifying that required easements for access, utilities or other

purpose have been recorded in the Office of the Hamilton County Recorder.

***SECTION 4: MAINTENANCE OF IMPROVEMENTS***

- 4.1 All aspects of the developments including property improvements, landscaping, ground cover, etc. as required in the specifications, covenants, conditions, requirements, and limitations of the Zoning Compliance Plan and/or contained in this Resolution shall be continually maintained by the owner of the property until the approved development ceases to exist. Enforcement shall be by the Office of the Zoning Inspector, with all discrepancies being considered zoning resolution violations.

**12028    2094**

# RECEIVED

Date: March 1, 2012

MAR 05 2012

Description: McDonald's Parcels

Location: 7337 Wooster Pike  
Columbia Township  
Hamilton County, Ohio

**HAMILTON COUNTY  
PLANNING & DEVELOPMENT**



Situated in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio, and being in part, part of the lands registered as Certificate Number 160121, and 158484, Hamilton County Registered Land Office, and being more particularly described as follows:

**PARCEL 1 – 0.959 Acres**

Beginning at the intersection of the West line of Section 3, said line also being the East line of Section 9 and the East line of the Village of Mariemont, with the centerline of Wooster Road (U.S. Route No. 50):

Thence along said West line of Section 3, East line of Section 9 and East line of the Village of Mariemont, South 02°00'35" West, 40.05 feet to a point in the South line of Wooster Road;

Thence along said South line of Wooster Road the following three (3) courses and distances:

1. along an arc deflecting to the right, having a central angle of 19°22'10" and a radius of 1233.24 feet, a distance of 416.90 feet, the chord of said arc bears South 75°22'30" East, 414.92 feet;
2. South 65°41'25" East, 340.71 feet;
3. along an arc deflecting to the left, having a central angle of 05°53'40" and a radius of 6915.50 feet, a distance of 711.44 feet, the chord of said arc bears South 68°38'15" East, 711.12 feet to the REAL POINT OF BEGINNING for this description:

Thence from said REAL POINT OF BEGINNING, continuing along said south line of Wooster Road, along an arc deflecting to the left, having a central angle of 00°10'20" and a radius of 6915.50 feet, a distance of 20.80 feet, the chord of said arc bears South 71°40'15" East, 20.80 feet and South 71°45'25" East, 207.66 feet to a point;

Thence leaving said south line of Wooster Road, South 15°08'35" West, 123.63 feet to a point in the South line of said Registered Land Certificate No. 160121;

Thence with said line, along an arc deflecting to the right, having a central angle of 00°45'17" and a radius of 1918.82, a distance of 25.28 feet, the chord of said arc bears South 81°10'57" East, 25.28 feet to a point;

Thence South 61°01'07" West, 51.57 feet to a point;

Thence North 82°37'28" West, 230.52 feet to a point;

Thence North 18°37'21" East, 200.66 feet to the real point of beginning.

Containing 0.959 acres of land.

The above described 0.959 acres of land contains the following portion of Registered Land Certificate No. 160121:



Beginning at the intersection of the West line of Section 3, said line also being the East line of Section 9 and the East line of the Village of Mariemont, with the centerline of Wooster Road (U.S. Route No. 50);

Thence along said west line of Section 3, East line of Section 9 and East line of the Village of Mariemont, South 02°00'35" West, 40.05 feet to a point in the South line of Wooster Road;

Thence along said South line of Wooster Road the following three (3) courses and distances:

1. along an arc deflecting to the right, having a central angle of 19°22'10" and a radius of 1233.24 feet, a distance of 416.90 feet, the chord of said arc bears South 75°22'30" East, 414.92 feet;
2. South 65°41'25" East, 340.71 feet;
3. along an arc deflecting to the left, having a central angle of 05°53'40" and a radius of 6915.50 feet, a distance of 711.43 feet, the chord of said arc bears South 68°38'15" East, 711.12 feet to the REAL POINT OF BEGINNING for this description;

Thence from said REAL POINT OF BEGINNING, continuing along said South line of Wooster Road, along an arc deflecting to the left, having a central angle of 00°10'20" and a radius of 6915.50 feet, a distance of 20.80 feet, the chord of said arc bears South 71°40'15" East, 20.80 feet and South 71°45'25" East, 207.66 feet to a point;

Thence leaving said South line of Wooster Road, South 15°08'35" West, 123.63 feet to a point in the South line of said registered land;

Thence with said line, along an arc deflecting to the left, having a central angle of 07°15'38" and a radius of 1918.82, a distance of 243.15 feet, a chord of said arc bears North 85°11'24" West, 242.99 feet to a point;

Thence North 18°37'21" East, 179.94 feet to the real point of beginning.

Containing 0.797 acres of land.

PARCEL 2 – 0.490 Acres

Beginning at the intersection of the West line of Section 3, said line also being the East line of Section 9 and the East line of the Village of Mariemont, with the centerline of Wooster Road (U.S. Route No. 50);

Thence along said West line of Section 3, East line of Section 9 and East line of the Village of Mariemont, South 02°00'35" West, 40.05 feet to a point in the South line of Wooster Road;

Thence along said South line of Wooster road the following three (3) courses and distances:

1. along an arc deflecting to the right, having a central angle of 19°22'10" and a radius of 1233.24 feet, a distance of 416.90 feet, the chord of said arc bears South 75°22'30" East, 414.92 feet;
2. South 65°41'25" East, 340.71 feet;
3. along an arc deflecting to the left, having a central angle of 05°28'48" and a radius of 6915.50 feet, a distance of 661.44 feet, the chord of said arc bears South 68°25'49" East, 661.18 feet to the REAL POINT OF BEGINNING for this description;

Thence from said REAL POINT OF BEGINNING, continuing along said south line of Wooster Road, along an arc deflecting to the left, having a central angle of 00°24'51" and a radius of 6915.50 feet, a distance of 50.00 feet, the chord of said arc bears South 71°22'39" East, 50.00 feet to a point;

Thence South 18°37'21" West, 200.66 feet to a point;

Thence South 82°37'28" East, 230.52 feet to a point;

Thence South 65°58'48" West, 66.89 feet to a point in the North line of Registered Land Certificate No. 158484;

Thence along said line, along an arc deflecting to the left, having a central angle of 07°14'51", a radius of 1852.82 feet, a distance of 234.37 feet, the chord of said arc bears North 87°24'50" West (Registered Land bearing North 83°14'22" West), 234.21 feet to a point;

Thence North 01°05'06" West, 55.00 feet to a point;

Thence South 82°37'28" East, 17.07 feet to a point;

Thence North 18°37'21" East, 210.61 feet to the real point of beginning.

Containing 0.490 acres of land.

The above described 0.490 acres of land contains the following portion of Registered Land Certificate No. 160121:

Beginning at the intersection of the West line of Section 3, said line also being the East line of Section 9 and the East line of the Village of Mariemont, with the centerline of Wooster Road (U.S. Route No. 50):

Thence along said West line of Section 3, East line of Section 9 and East line of the Village of Mariemont, South 02°00'35" West, 40.05 feet to a point in the South line of Wooster Road;

Thence along said South line of Wooster Road the following three (3) courses and distances:

1. along an arc deflecting to the right, having a central angle of 19°22'10" and a radius of 1233.24 feet, a distance of 416.90 feet, the chord of said arc bears South 75°22'30" East, 414.92 feet;
2. South 65°41'25" East, 340.71 feet;
3. along an arc deflecting to the left, having a central angle of 05°28'48" and a radius of 6915.50 feet, a distance of 661.44 feet, the chord of said arc bears South 68°25'49" East, 661.18 feet to the REAL POINT OF BEGINNING for this description;

Thence from said REAL POINT OF BEGINNING, continuing along said South line of Wooster Road, along an arc deflecting to the left, having a central angle of 00°24'51" and a radius of 6915.50 feet, a distance of 50.00 feet, the chord of said arc bears South 71°22'39" East, 50.00 feet to a point;

Thence South 18°37'21" West, 179.94 feet to a point in the South line of said registered land;

Thence along said line, along an arc deflecting to the left having a central angle of 01°34'19" and a radius of 1918.82 feet, a distance of 52.64 feet, the chord of said arc bears North 89°36'22" West, 52.64 feet to a point;

Thence North 18°37'21" East, 196.40 feet to the real point of beginning.

Containing 0.216 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description is based on a Plat of Survey prepared by McGill Smith Punshon, Inc. dated October 21, 1993 and revised through March 21, 1994.

Prepared by: McGill Smith Punshon, Inc.

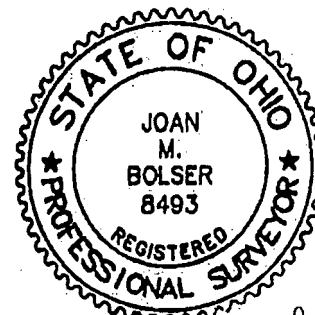
Date: March 21, 1994

Parcel 3 – 0.253 Acres (Part of Registered Land Certificate #158484)

Commencing at a cross notch at the intersection of the South right of way of Wooster Pike (U.S. 50) as shown on the Ohio Department of Transportation right of way plans dated January 6, 1937, and the West right of way of Walton Creek Road, thence South 13°47'08" West, 116.58 feet to a point on the former North right of way of the Little Miami Railroad; thence South 13°48'13" West, 57.57 feet; thence North 66°11'26" West, 64.70 feet; thence South 23°48'34" West, 159.37 feet; thence North 75°28'04" West, 175.97 feet; thence North 66°11'26" West, 406.37 feet; thence North 60°58'48" West, 239.40 feet to the

real point of beginning; thence North 60°58'48" West, 46.89 feet; thence North 22°37'26" West, 89.76 feet to a point on the North line of Registered Land Certificate #158484, said point also being on the former South right of way of the Little Miami Railroad; thence along said right of way and a curve to the right whose radius is 1852.82 feet, clockwise, 234.37 feet (chord of said arc bears South 83°14'22" East, 234.21 feet); thence South 70°09'16" West, 95.42 feet; thence North 88°01'06" West, 36.07 feet; thence North 66°11'26" West, 9.66 feet, thence South 23°48'34" West, 55.51 feet to the point of beginning, containing 0.253 acres.

The above description was prepared by others, but surveyed by Bayer Becker on November 4, 2011. It is intended for zoning or permitting purposes only, and not intended for recording or the sale or transfer of land.



*Joan M. Bolser*  
3-1-12

