**CITY OF WEST CARROLLTON**

**PLANNING COMMISSION**

**STAFF REPORT**

**DATE:** July 14, 2024

**CASE NUMBER:** S-24-2

 2100 S. Alex Road

**APPLICANT:** Skilken Gold, agent for the owner

 4270 Morse Road

 Columbus, OH 43230

**OWNER:** Watertower Partners LLC

 1007 Pearl Street, Suite 252

 Boulder, CO 80302

**SUMMARY OF**

**REQUEST:** Request for approval of an application for a three-parcel subdivision of the Imperial Square Shopping Center located at 2100 S. Alex Road in the B-2 General Commercial District, being county parcel ID #K48 00415 0027 and comprising 6.6509 acres.

# STATUTORY AUTHORITY

Chapter 152: Subdivision Code of the Code of Ordinances authorizes the Planning Commission to administer the City’s subdivision regulations and to render final decisions on applications to subdivide land within the city.

# BACKGROUND

The impetus for this subdivision is the Sheetz development, which the Planning Commission approved on this property on June 6, 2024. Sheetz seeks to subdivide 1.6378 acres for its development at the 2100 S. Alex Road address. The owner has requested that the remainder of the lot be split into two, with one containing the Imperial Square Shopping Center at 810-854 Watertower Lane and one containing the building at 3856-3860 Miamisburg-Centerville Road with Dayton Hydroponics and Krazy Katz Tattoos.

# EXISTING CONDITIONS

The subject property is zoned B-2 General Commercial District, and is the location of the Imperial Square shopping center bordered by State Route 725, S. Alex Road, and Watertower Lane. The property encompasses the following businesses:

* The former U.S. Bank located at 2100 S. Alex Road (southeast corner of S. Alex Road and Watertower Lane).
* The Imperial Square shopping center located at 810-854 Watertower Lane. This development contains the Yellow Rose nightclub, Cousin Vinny’s Pizza, Changes Hair Studio, NAPA Auto Parts, Sparky’s Tavern, and a stand-alone Hook Fish and Chicken restaurant.
* The building at 3856-3860 Miamisburg-Centerville Road which houses Dayton Hydroponics and Krazy Katz Tattoos.

The property is bordered to the west and south by commercial property located in the City of Miamisburg; to the north by the Alex Tower shopping center zoned PUD District and the former Total Folks warehouse zoned M-1 Business Park District; and to the east by Mall Realty at 862 Watertower Lane and a shopping center at 902-930 Watertower Lane, both of which are zoned B-2.

As illustrated on the proposed plat, two 16-foot wide access easements currently exist along the Monarch Lane Extension (cross-hatched areas). One of these easements provides access for the Imperial Square Shopping Center from Watertower Lane to State Route 725. The other easement provides access from the Barry P. & Lois F. Barnes property (Mall Realty) to State Route 725.

A 10-foot wide sanitary sewer easement runs along the northern and eastern boundaries, and a 10-foot wide waterline easement runs along the eastern boundary as well. Montgomery County Environmental Services provides the public water in this area, and public sanitary sewer is served by the City of Miamisburg. An electric easement also runs along the eastern and southern property lines.

# PROPOSAL

The proposal is to subdivide the existing single parcel into three new parcels. One new parcel on the west side at 2100 S. Alex Road would comprise 1.6378 acres for the Sheetz development. The center parcel at 810-854 Watertower Lane would comprise 3.9945 acres for the Imperial Square shopping center. The third parcel to the southeast at 3856-3860 Miamisburg-Centerville Road would comprise 0.5026 acres for the building which houses Dayton Hydroponics and Krazy Katz Tattoos.

Legal access is provided to these lots via three drive approaches on Watertower Lane and one each on S. Alex Road and State Route 725. The drive approach on S. Alex Road and the western-most approach on Watertower Lane would be shared with Sheetz via a cross-access easement which is yet to be executed.

The plat also would dedicate right-of-way from the centerline of Watertower Lane measuring 33 feet in width and comprising 0.5160 acres.

# ANALYSIS

**Zoning Regulations**

The B-2 General Commercial District has no minimum lot size or frontage requirements.

Minimum building setback requirements in this district include a 30-foot front yard, 10-foot side yard (or the height of the building wall, whichever is greater), and a 20-foot rear yard (or the height of the building wall, whichever is greater).

The proposal creates one building setback issue. Due to the dedication of 33 feet of additional right-of-way from the centerline of Watertower Lane, the northeastern corner of the Yellow Rose building will encroach into the required 30-foot front yard by approximately 3 feet. However, since this right-of-way is being required by the City to be dedicated for public access, the creation of this nonconformity is deemed to be necessary for the public health, safety, and welfare and is so noted for the public record in the resolution.

A pre-existing building setback issue would remain as part of this proposal. The northeast corner of the building on the proposed 0.5026-acre lot encroaches into the eastern side yard by 1.1 feet. This proposal would not increase the existing nonconformity, but is noted for the public record in the resolution.

Maximum lot coverage in the B-2 district is limited to 50 percent (structures only). Based on staff’s calculations, all proposed lots meet this requirement.

**Subdivision Regulations**

Chapter 152 of the codified ordinances contain the City’s subdivision regulations.

The proposal appears to comply with all subdivision regulations.

Staff recommends the following conditions of approval:

1. City lot numbers 4595, 4596, and 4597 shall be assigned to the newly-created lots.
2. The registration number and seal of the engineer and/or surveyor who prepared the plat shall be added to the plat prior to recording.
3. The City signature block shall be replaced with: “*Approved this \_\_\_ day of \_\_\_\_\_\_\_\_ , 2024 by the Planning Commission of the City of West Carrollton, Ohio. If not recorded by the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_ , 2024, this approval shall be null and void*.”, followed by space for the signatures of the Planning Commission Chairman and Planning Commission Secretary.
4. After approval, the final mylar must be provided to the city for signatures and filing with the county recorder within 60 days of approval.
5. After recording, a mylar of the recorded plat as well as a digital format file in AutoCAD or .dxf format shall be returned to the city within 30 days after recording.

**Service Department**

The Service Department has identified the following issues:

1. The new property lines bisect the drive approaches on S. Alex Road and on Watertower Lane. As such, new cross-access easements will need to be recorded to permit traffic from one lot to use the other lot for ingress/egress purposes. The applicant indicates that the cross-access agreement is being worked on with the property owner, and it does not have a specific location that could be diagrammed on the plat so they ask that the agreement be amended to the plat administratively after Planning Commission approval.

As such, staff recommends a condition of approval that a cross-access easement agreement shall be provided for review and approval by the city prior to release of the record plan for recording, and a copy of said recorded agreement shall be provided to the city within 30 days of recording.

**Review Comments**

A copy of this subdivision plan has been provided to external agencies. The applicant will work directly with those agencies on any specific concerns.

# RECOMMENDATION

Based on this analysis, staff recommends approval of this application for a three-parcel subdivision of the Imperial Square Shopping Center located at 2100 S. Alex Road in the B-2 General Commercial District, being county parcel ID #K48 00415 0027 and comprising 6.6509 acres, subject to the conditions outlined in Resolution S-24-2.

SRPT S-24-2\_Imperial Square Plat (Sheetz).docx