

November 13, 2017

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Mr. Tom Kronenberger – Member
Ms. Anne Flanagan – Member
Mr. Bill Mees – Secretary
Mr. Steve Roos – Alternate

Item 1. – Meeting called to Order

Mr. Friedmann called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Monday, November 13, 2017.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Friedmann, Mr. Mees and Mr. Roos

Members Absent: Mr. Barrick and Mr. Kronenberger

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann suggested continuing approval of the minutes from the August 14, 2017 and October 10, 2017 meetings until the next Zoning Commission meeting when more members would be present to approve them.

Item 4. – New Business

2017-14MA

Jessica Ruff Ruff Signs

Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert explained that the tenant space is permitted 21 square feet of building signage and the sign that was installed without a permit is 33.3 square feet. Mr. Holbert then explained how he measured the lineal frontage of the tenant space.

The Board asked questions of Mr. Holbert.

Mr. Friedmann asked what size the previous sign was.

Mr. Holbert answered that he did not know but noted the code used to allow 1.5 square feet of sign surface area per lineal foot of frontage of the tenant space.

Ms. Flanagan asked if there was a complaint about the sign.

Mr. Holbert answered no, he noticed the sign had been changed.

Mr. Mees asked if the Subway in the adjacent tenant space had to install a smaller sign after they were in a similar situation.

Mr. Holbert answered yes.

Mr. Mees asked if most other tenants' signs in the Shoppes of Kenwood comply with the current zoning code.

Mr. Holbert answered yes.

Mr. Roos asked if the landlord would know the sign was not compliant.

Mr. Holbert answered that tenants don't always notify the landlord when they change a sign even though they are supposed to have the landlord or property owner's signature on the zoning application.

Mr. Friedmann asked if the applicant was present and wished to speak.

Ms. Jessica Ruff, of Ruff Signs, 295 W. Prospect, Painesville, OH 44077, addressed the Board. Ms. Ruff noted her company had not installed the sign but does a lot of work with the sign company and was asked to help with this. She pointed out the Sally Beauty Supply logo works against them because there is a large empty space and the Township measures by drawing a box around the sign.

Mr. Friedmann asked for clarification on the dimensions of the sign.

Ms. Ruff clarified.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

Ms. Pauline Barthel, of 5953 Winnetka Drive, Cincinnati, OH 45236, addressed the Board stating the Board should not set a precedent by approving a non-compliant sign that was installed without a zoning certificate.

Ms. Patty Kreitinger, of 6150 St. Regis Drive, Cincinnati, OH 45236, addressed the Board stating she would like the Township to make Sally Beauty install a smaller, compliant sign.

Mr. Friedmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Mees made a motion to consider Case 2017-14MA.

Ms. Flanagan seconded.

Ms. Flanagan said that since Subway was forced to comply with the Zoning Resolution, Sally Beauty should have to also.

Mr. Mees and Mr. Friedmann agreed.

Mr. Friedmann asked Mr. Holbert if the sign could be considered two signs.

Mr. Holbert said each tenant is only permitted one sign per storefront so that would not help them.

Ms. Flanagan asked if they took off the word "Beauty" if it would be in compliance.

Mr. Holbert answered no, the sign would still be larger than permitted.

Mr. Mees called roll.

Ms. Flanagan – NEA
Mr. Roos - NEA
Mr. Friedmann – NEA
Mr. Mees - NEA

Mr. Holbert said the case will be heard by the Board of Trustees on December 7th at a time to be determined.

2017-13Z
L & P Company
7693, 7707 & 7711 Montgomery Road
7112 & 7116 Garden Road
7221 Chetbert Drive
Zone change

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert reviewed the current zoning of the properties in question and showed an aerial of all parcels involved in the zone change request. Mr. Holbert referred the Board to the zoning compliance issues noted in the staff report. He then showed photos of the existing conditions noting the applicant is not proposing any changes to the existing pylon sign.

Mr. Holbert pointed out the adjacent LaRosa's development included an eight feet fence to separate the retail from the residential properties. He noted the location of the defined rear yard on the site plan stating that a variance would be necessary to construct a fence similar to that of the LaRosa's development. Mr. Holbert also noted the buffer was insufficient due to the proposed retail zoning abutting a residential property.

Mr. Holbert then reviewed the lighting plan submitted by the applicant stating more detail was needed regarding the light fixtures.

The Board asked questions of Mr. Holbert.

Mr. Roos asked if the applicant was proposing a fence along the property line or if it would be setback from the property line.

Mr. Holbert answered the fence was setback with landscaping between the fence and the adjacent residential properties. Mr. Holbert said that during the Hamilton County Regional Planning Commission hearing there was some discussion of a fence along Garden or Chetbert also. He noted the Township is against that.

Mr. Mees asked for clarification on the red rectangles on the site plan.

Mr. Holbert said the rectangles note areas in which the parking stalls do not meet the required setbacks, noting relief from the Board would be necessary to keep those stalls.

Mr. Mees asked if the adjacent neighbors had requested the fence.

Mr. Holbert answered yes.

Mr. Mees asked if there had been any other requests from the residents.

Mr. Holbert deferred to the applicant saying the residents had spoken directly with the applicant at the open house.

Mr. Mees asked if the landscape plan was compliant.

Mr. Holbert answered it does not meet the requirement for the number of interior trees.

Mr. Roos asked about the letter from the Hamilton County Engineer saying ODOT should be notified of the project.

Mr. Holbert explained it is the applicant's responsibility to send the plans to outside agencies for comment and that comments from ODOT may have been requested but not yet received. He noted the Township is not enforcing the Montgomery Road Thoroughfare Plan.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Fran Barrett, attorney for the applicant, of 120 East 4th Street, Cincinnati, OH 45202, addressed the Board. Mr. Barrett introduced others in attendance on behalf of the applicant. He then explained that, after there had been many failed attempts to develop the former Old Saloon property due to inadequate parking, it came up for sale and the applicant purchased it. He noted the plan is to add parking and a drive thru and improve the buffering and landscaping. He commented the plan is similar to the recent updates to the LaRosa's development and will alleviate parking issues.

Mr. Barrett said the open house held in July regarding the project was very positive noting the residents requested an eight feet tall fence which will require a variance.

Mr. Barrett said the existing Root Cellar and Skyline would remain the same and the former Old Saloon building would be razed. He pointed out the Montgomery Road Thoroughfare Plan was 120 feet from the center line but that Montgomery Road had already been widened in the area in question so the Township would not require compliance with the plan. Mr. Barrett then pointed out the changes to the curb cut on Montgomery Road and the streetscape.

Mr. Barrett asked Mr. Jim Watson, Civil Engineer for the project, of McGill Smith Punshon, 3700 Park 42, Cincinnati, OH 45242, to address the Board.

Mr. Watson addressed the issues Mr. Holbert had brought up with the landscape and lighting plans. He said they are willing to comply with staff's recommendations but do need some relief from the parking setback requirements as noted.

Mr. Watson said it would be possible to double up on the landscaping in the rear to be in compliance but he would have to eliminate two to three parking stalls along Garden, something he would prefer not to do considering the need for additional parking. He said he is working on adding trees to meet the interior landscaping requirement.

Mr. Watson then addressed concerns about the lighting plan noting he would submit specifications for the light fixtures for review.

Mr. Barrett asked Mr. Watson if he could satisfy all the zoning compliance issues noted by staff.

Mr. Watson answered that he could but he would like relief from the buffer and parking setback requirements so as not to lose much needed parking stalls.

Mr. Friedmann asked where the parking stalls would be lost.

Mr. Holbert answered the northwest corner would lose two parking stalls.

Mr. Mees asked for clarification on the type of buffer required along Garden Road.

Mr. Holbert answered it is a streetscape buffer noting the real issue is the required 30 feet setback for the parking stalls.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

Mr. Jeff Shafer, of 7116 Silvercrest Drive, Cincinnati, OH 45236, addressed the Board. Mr. Shafer said his house is adjacent to the newly expanded parking area for the LaRosa's development. He said the proposed fence for this project should be eight feet tall to protect the adjacent residences. He also discussed the need for sidewalks in the area.

Mr. Gregg Pancero, of 7565 Kenwood Road, Cincinnati, OH 45236, addressed the Board in support of the project. He stressed the need for additional parking.

Mr. Friedmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Roos commented that, with the parking issues and the trouble getting the former Old Saloon property redeveloped, the plan is a positive solution.

Mr. Roos made a motion to consider Case 2017-13Z.

Mr. Mees seconded.

Ms. Flanagan said the proposed plan provides a nice symmetry with the LaRosa's development. She said it is a cohesive plan and the requested variances are reasonable.

Mr. Mees reviewed the variances, the eight feet height for the fence, the fence location in the front yard and the parking stall setbacks.

Mr. Friedmann said the approval should be on the condition that the fence is eight feet tall. He said he liked the landscaping on either side of the fence. Mr. Friedmann said he doesn't see a need to take away parking stalls as it will be beneficial to adjacent residences to have sufficient parking in the lot so no one parks on the streets. He applauded the efforts of the applicant to please the neighbors and provide a significant amount of landscaping.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Roos - AYE

Mr. Friedmann – AYE

Mr. Mees - AYE

Mr. Holbert said the case will be heard by the Board of Trustees on December 7th at a time to be determined.

2017-15Z
Robert Lucke Group, Inc.
8262 Pine Road
Zone change

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert explained the request is for a zone change from "B" and "C" Single family residential to "OO" Planned Office. Mr. Holbert referred the Board to the zoning compliance issues noted in the staff report. He then pointed out the adjacent zoning districts and showed the Board photos of the existing conditions on and around the property in question.

Mr. Holbert pointed out there is a wall noted on the site plan that he would like details on and, as with the previous case, there is a fence proposed in the front yard separating the development from the adjacent residential property. He also noted he needed clarification on the proposed sign.

Mr. Holbert discussed the landscaping saying if the applicant wants credit for existing landscaping, species and caliper information must be submitted. He noted the interior landscaping and streetscape were both a little short. He said that more information was needed for the lighting plan to show the foot candles at the property lines.

Mr. Holbert said the proposal would have an impervious surface ratio of 31.6 percent and includes two single story, residential style buildings.

The Board asked questions of Mr. Holbert.

Mr. Friedmann asked about the staff report comment on the lighting plan.

Mr. Holbert answered details on the light fixtures are needed.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Scott Lucke, the applicant, of 8825 Chapel Square Lane, Cincinnati, OH 45249, addressed the Board. Mr. Lucke said he has developed several residential style, one story office buildings and knows how to make a nice transition to a residential area. He pointed out there is already a large detention area on the site which will be improved. He stated the greatest impact will be on the residential property just to the north. He said the offices will be professionally owned.

Mr. Lucke said an eight feet tall fence would be fine to shield the adjacent property from light noting he does have a lighting plan showing zero foot candles at the property line. Mr. Lucke said they are working on calculations and hoping to eliminate the retaining wall Mr. Holbert asked about on the site plan.

Mr. Lucke pointed out Kenwood Crossing III across the street was approved and had not yet been built.

Mr. Lucke said they will comply with Township Landscape requirements and pointed out the location of the dumpster.

Mr. Doug Smith, McGill Smith Punshon, 3700 Park 42, Cincinnati, OH 45242, addressed the Board saying Mr. Lucke misspoke, the lighting plan shows three foot candles on the north property line which is still compliant.

Ms. Flanagan asked for information on the proposed sign.

Mr. Lucke said the sign would be brick and stone and have tenant panels on it.

Mr. Mees asked if the individual office condominium owners would have panels on the sign.

Mr. Lucke answered yes.

Mr. Smith asked Mr. Holbert about how the sign would be measured.

Mr. Holbert explained.

Mr. Smith said the square footage of the sign would be compliant.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

Mr. Frank Moeggenberg, of 4651 Kugler Mill Road, Cincinnati, OH 45236, addressed the Board in support of the property. Mr. Moeggenberg said he thinks the best plan for the property would be a single story building. He cautioned against the Township ever changing Pine Road to go all the way through from the commercial to the residential side. He also asked about any effect on the creek and if there was a possibility of another building being built in the rear of the property in the future.

Mr. Doug Smith addressed the Board saying the existing detention already has overflow and noting Hamilton County Storm Water District will have to approve the plans.

Mr. Holbert said any future building would be a challenge due to parking requirements.

Mr. Lucke said in order to build another building in the future, they would have to come back before the Board for approval.

Mr. Friedmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Ms. Flanagan said the proposal was attractive and that she had no issue with the fence because it made sense.

Mr. Friedmann agreed.

Mr. Holbert said the open house was positive and the neighbors liked that the proposed buildings are one story.

Mr. Friedmann said he would like the applicant to submit a revised lighting plan to make sure it is compliant and have the landscaping approved by staff.

Mr. Holbert noted if the plan is approved, the applicant would have to submit a zoning compliance plan to be approved by staff.

Ms. Flanagan asked if the sign would be included on the Zoning Compliance Plan.

Mr. Holbert answered yes.

Ms. Flanagan made a motion to consider Case 2017-15Z.

Mr. Roos seconded.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Roos - AYE

Mr. Friedmann – AYE

Mr. Mees - AYE

Mr. Holbert said the case will be heard by the Board of Trustees on December 7th at a time to be determined.

Item 5. – Trustees Report

Mr. Holbert informed the Board of a change to the Board of Trustees for 2018 based on the election outcome.

Item 6. – Adjournment

Mr. Mees moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 8:27 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant