

December 11, 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, December 11, 2017.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Mr. Barrick

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann stated he would like to move approval of the minutes to later on the agenda.

Item 4. – New Business

2017-17MA
Greenberg Farrow
7860 Montgomery Road
Major Adjustment to a PUD

Mr. Friedmann noted this case had been continued to January 8, 2018 per the request of the applicant.

2017-18P1
Hills Land & Development Co.
8306, 8284 and 8270 Kenwood Road
PUDI

Mr. Holbert stated this case is a PUDI, therefore, it will not go before the Board of Trustees. He pointed out if Zoning Commission approves it, the applicant will have to have the plan approved by Hamilton County Regional Planning as a major subdivision. Mr. Holbert then presented the case and case history in a Power Point presentation.

Mr. Holbert stated the proposed use is eight single family homes with an ISR of .35. He then reviewed the history of the 2009 case which approved two office buildings up to 19,000 square feet in area by consent decree. The consent decree had some conditions worked out between the Board of Trustees and the residents. Mr. Holbert said, because of the consent decree, if this case is approved, it will also go back before the judge for approval.

Mr. Holbert then reviewed the existing conditions on the property in question and surrounding areas. Mr. Holbert noted the locations of survey stakes.

Mr. Holbert said he had received comments from Hamilton County Stormwater about the project which noted concerns about the water shed.

Mr. Friedmann asked if the letter was received today.

Mr. Holbert answered yes. Mr. Holbert then showed the topography and explained the concerns expressed by Hamilton County Stormwater. He then reviewed the grading plan for the proposed development.

Mr. Holbert went on to discuss the site plan noting it was a little confusing. He pointed out the setbacks noted on the plan and said the Board should keep in mind this is a concept plan that could change a little. He pointed out the additional parking provided and noted the applicant has indicated it would be a dedicated street.

Mr. Holbert reviewed the landscape plan saying it provided more than adequate landscaping since it is a residential project abutting another residential area. He then showed examples of the styles of houses the builder proposes.

Mr. Holbert went on to point out the conditions recommended by staff should the Board decide to approve the proposal.

The Board asked questions of Mr. Holbert.

Ms. Flanagan asked if the proposed density is less than it was for the previously approved project.

Mr. Holbert answered yes, saying the previously approved ISR was .52 and this is .35.

Mr. Kronenberger asked about an indication of a sign on the plans.

Mr. Holbert said he assumes the sign will be compliant with the Zoning Resolution since the applicant had not provided any detail.

Mr. Kronenberger said he thought it was common practice for the Board to receive sign details for PUD submittals.

Mr. Holbert said PUD submittals vary.

Mr. Mees asked if the "U" shaped road was proposed to be a public road that should comply with Hamilton County guidelines and, if so, if there is a chance that only one curb cut could be approved.

Mr. Holbert answered the Township had received comments from the Hamilton County Engineer and there were no comments regarding the two curb cuts.

Mr. Friedmann noted the Hamilton County Engineer comments said the project has to comply with the thoroughfare plan and that could have regulations about how close the curb cuts can be.

Mr. Holbert said that could be true.

Mr. Mees asked if the Board should be concerned about defining a buildable area since Mr. Holbert said the plan is not exact.

Mr. Holbert said the setbacks and .35 max ISR will limit the buildable area.

Mr. Mees then asked about a swale Mr. Holbert had mentioned and asked if there is enough room for all the landscaping that is proposed.

Mr. Holbert said the grading plan does allow for flow toward the swale but agreed there is lots of landscaping proposed in area of swale.

Mr. Bob Krohngold, Hills Land & Development Co., 4901 Hunt Road, Suite 300, Cincinnati, OH 45242, addressed the Board. Mr. Krohngold said he did meet with the Hamilton County Engineer's Office and so far the project has been approved with the two curb cuts, noting there had been three curb cuts previously. He said the comment on the Thoroughfare Plan was to dedicate more right of way along Kenwood Road. He said there may be some five feet side yard setbacks needed depending on the product chosen. Mr. Krohngold said the rear yard of 35 feet is possible but the landscaping would have to be part of that.

Mr. Krohngold said a gentleman in the audience had asked him why they are proposing a parking lot in the center. He said, just from experience, it is good to have some off street parking. He said the signage was not provided because they are not sure yet what they are doing, noting whatever they decide will be compliant with the Zoning Resolution. He said they still have engineering to do and discussed the utilities and how they will be put into place. He added the two access points are good for fire safety.

Mr. Mees asked if there would be a Home Owners' Association.

Mr. Krohngold answered yes, adding this is an empty nester concept with the idea for the properties to be maintenance free.

Mr. Kronenberger asked about the setback from two homes closest to Kenwood Road.

Mr. Krohngold answered he thinks in excess of 35 feet.

Mr. Kronenberger asked if the applicant had done a development like this before with the horseshoe shaped road.

Mr. Krohngold answered no, saying this is unique, noting he does have a similar proposal in the works up in Beaver creek.

Mr. Roos asked about water runoff from the roofs of the houses.

Mr. Krohngold explained the drainage plan noting he has heard of concerns about drainage in the northwest corner which is something that they will take a hard look at as they go through engineering. He said the answer may be underground detention. He stated there is significant water shed going that direction and they will look into correcting it during engineering.

Mr. Friedmann said it would appear a couple of the lots can't meet the eight feet side yard setback requirement.

Mr. Krohngold said it is possible for them all to meet the eight feet setback, however, he would like the ability to go down to a five feet setback to allow buyers flexibility for prospective buyers for a bump out or covered.

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

Ms. Kathie Albrecht, of 4884 Marieview Ct., Sycamore Township, OH 45236 addressed the Board. She said she loves the idea of residential versus the business proposals submitted in the past. She said she is concerned about house in disrepair between property in question and the Horan building. She said these houses will be nice and new and she wondered if that property could be included in the proposal.

Mr. Friedmann commented the last time Hills was before Board that property was included.

Mr. Holbert said with this project it didn't make economic sense to include that distressed property.

Ms. Albrecht asked if the curb cuts were both two way and suggested having one way in and one way out. She commented the proposal looks good although it seems like a lot of houses for a three lot site but reiterated she prefers the residential to business.

Mr. Hank Wordeman, 8320 Kenwood Road, Sycamore Township, OH 45236 addressed the Board. He asked for clarification on traffic flow.

Mr. Krohngold explained the traffic flow.

Mr. Bob Clark, 4860 Marieview Ct., Sycamore Township, OH 45236, addressed the Board. Mr. Clark said he loves the plan and thinks it looks great but is concerned about water runoff. Mr. Clark stated he has a drainage pipe from the creek that has overflowed four times in the past twenty years. He said anything the Township can do to help prevent flooding problems would be appreciated.

Mr. Wordeman asked what material would be used for the retaining wall.

Mr. Holbert deferred to the applicant but did note the location of the wall.

Mr. Krohngold said stacked Allen block would be the material.

Mr. Friedmann asked if it would be decorative.

Mr. Krohngold said it would be a buff color, split faced Allen block.

Ms. Laura Wickett, of 4867 Marieview Ct., Sycamore Township, OH 45236, addressed the Board. She said looks like a really good solution but that she is also concerned about water runoff as she already has issues with her basement getting wet. Ms. Wickett said she would like the applicant to consider evergreens in the landscaping.

Mr. Frank Geiser, of 8347 Frane Lane, Sycamore Township, OH 45236, addressed the Board saying he is a 28 year resident who has been vocal against development here. He said he is not against this and trusts it will be done right. Mr. Geiser said his only concern is about detention in that corner. He said it is very visible and he doesn't want stagnant water in there. He also thinks

more evergreens would be good. Mr. Geiser thanked Sycamore Township staff and Zoning for holding out for what's best for the residents in this location.

Mr. Friedmann said the suggestion to make the "U" shaped road one way is a good idea especially if you have two cars competing to exit at the same time. He also said it seems to be a good plan but he agreed that evergreens would be good addition to the landscaping. He also said the retaining wall should be aesthetically pleasing and the detention plan should detain as much water as possible.

Mr. Krohngold said they want to get along with the neighbors and they have made great suggestions. He said it is a great idea to make the road one but he will have to work with Hamilton County on it and it may end up being private. He also said concerns about water flow will be addressed.

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

Ms. Flanagan made a motion to consider Case 2017-18P1 with the six conditions listed in staff's power point.

Mr. Krohngold noted he had requested variances for setbacks.

Mr. Mees seconded. He then said he is confused about the issue with the setbacks.

Mr. Krohngold said 35 feet front yard is a problem and he had proposed a minimum five feet side yard setback. He said the plan has a variety of setbacks on front yard but none of them are 35 feet.

Mr. Mees asked what minimum setback he would like.

Mr. Krohngold answered 25 feet.

Mr. Mees asked Mr. Holbert if there would be any building code issue with a five feet side yard setback.

Mr. Tim Cummins, of 8354 Frane Lane, Sycamore Township, OH 45236, addressed the Board saying a 25 feet front yard setback is pretty common in Hamilton County.

Mr. Friedmann said this would have a minimum ten feet between buildings.

There was discussion about the setbacks and what the Board should allow.

The Board also discussed the traffic flow concerns.

Ms. Flanagan amended her motion to include the following conditions:

1. A minimum front yard setback of 25 feet front
2. A minimum rear yard setback of 35 feet including landscaping
3. A side yard setback total of 16 feet with a minimum of five feet on one side
4. The ISR shall not exceed .35 per lot
5. The applicant must seek approval from the Hamilton County Engineer for the road to be one way traffic and comply with Hamilton County requirements.

Mr. Friedmann added the landscape plan should include additional evergreen trees and the retaining wall be built with decorative Allen block.

Ms. Flanagan again amended her motion to include Mr. Friedmann's two additional conditions.

Mr. Holbert asked for clarification on the evergreens the Board would like to see added.

There was discussion about the evergreens.

Ms. Flanagan said her motion has nine conditions:

1. Except as approved by the Commission and noted below, all aspects of this development are to adhere to the Sycamore Township Zoning Resolution
2. A minimum front yard setback of 25 feet and minimum rear yard setback of 35 feet including landscaping
3. A side yard setback total of 16 feet with a minimum of five feet on one side
4. The ISR shall not exceed .35 per lot
5. The applicant must seek approval from the Hamilton County Engineer for the road to be one way traffic and comply with Hamilton County requirements
6. The trees shown on the landscape plan along the east property line must be replaced with evergreens
7. The retaining wall along the north/eastern property be at least 2' away from property line(s) for every 1' in vertical height and must be constructed with decorative Allen block
8. No sub/cell or communication towers permitted on site
9. No accessory structures are permitted

Mr. Mees seconded the amended motion.

Mr. Kronenberger asked if Hamilton County approval of the road will be required before any zoning certificate is issued.

Mr. Holbert answered that is correct.

Mr. Kronenberger asked about Hamilton County Stormwater's comments regarding the water runoff.

Mr. Holbert said yes those items will need to be complied with for HC to approve it. Enforced by Hamilton County Stormwater and Infrastructure.

Mr. Mees called roll.

Ms. Flanagan – YES

Mr. Roos - YES

Mr. Friedmann – YES

Mr. Kronenberger - YES

Mr. Mees - YES

2017-19MA

Anne F. McBride, FAICP

7850 Village Drive

Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert pointed out the adjoining zoning districts and noted the property in question is zoned DD - planned multi-family residential. Mr. Holbert explained that non-conforming signs existing prior to current zoning may stay as is until modified, then must be brought into compliance.

Mr. Holbert noted a residential development is permitted one entry sign. Mr. Holbert said there are two locations in question where the applicant proposes to install signage. He said this is a challenging situation because of the required streetscape. He said a new sign was installed along Montgomery Road without a permit that is not compliant with the Zoning Resolution.

Mr. Holbert noted the applicant proposes landscaping into the right of way which would have to be approved by ODOT. He then showed the proposed sign along Montgomery Road and explained why he considers it to be five signs. He noted the base is brick and is seven feet tall to allow the sign to be visible from Montgomery Road.

Mr. Holbert then pointed out the second sign and said the applicant could install another sign without a zoning certificate if it was smaller and qualified as directional.

The Board asked questions of Mr. Holbert.

Mr. Mees asked what size the sign must be to qualify as directional.

Mr. Holbert answered six square feet noting a directional sign may not contain the development name or logo.

Mr. Kronenberger asked if there was an existing sign in that location.

Mr. Holbert deferred to the applicant.

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

Ms. Anne McBride, 5721 Dragon Way, Suite 300, Cincinnati, OH 45227, addressed the Board. Ms. McBride said she is representing North American Properties who owns the property. Ms. McBride said this is a unique situation because the community is 48 acres and has over 400 residences. She noted the property is surrounded on three sides by the City of Montgomery and a whole bunch of zoning districts. She said the existing sign on Montgomery Road that was replaced without a permit is not compliant and they would like to replace with the column sign. She said the "O" logo is on four sides with a total of 36 square feet and the Olde Montgomery text would be on one side at five square feet.

Ms. McBride explained the unique situation because of the mature vegetation and extensive right of way which makes it very challenging. If the sign were ten feet back from the right of way it would not be visible. They would like to move the brand new sign installed without a zoning certificate on Kings Lake Drive which is actually private access road off of Hetz. She noted there is a sign there now. Ms. McBride said the owner would like to reuse the current sign in that location to mark the second entrance to Olde Montgomery.

Ms. McBride pointed out at 48 acres and 417 units, Olde Montgomery is quite an extensive development which justifies the additional signage.

Mr. Mees asked if there are only two signs on the development.

Ms. McBride answered yes these are the only development signs.

Mr. Mees asked if the proposed sign is illuminated.

Ms. McBride said it would be internally illuminated.

Mr. Tony Hobson, the property owner of North American Properties, 212 E. 3rd St., Cincinnati, OH 45202 said the old sign at the Montgomery Road entrance was 40 years old and had rotted out. He said they were worried it was going to fall over which was why it was replaced. He said the current one sits in the right of way. The new sign would be located out of the right of way, which ODOT has requested. He noted the goal is to keep it as close as possible to the right of way for visibility. Mr. Hobson said moving the other sign to the back is very helpful to the residents for guests and deliveries to be able to locate them, as well as to distinguish Olde Montgomery from Montgomery Towne.

Mr. Friedmann asked Ms. McBride if they had looked into putting the new sign on the south side of the driveway.

Ms. McBride said due to landscaping and topography it is more visible in the proposed location.

Mr. Hobson said the view from that direction is totally blocked by vegetation.

Mr. Roos asked for clarification on the proposed location off Hetz.

Ms. McBride explained.

There were no other members of the public present to comment on the case. The Board discussed the issues brought before them.

Mr. Kronenberger made a motion to consider Case 2017-19MA.

Mr. Mees seconded.

Mr. Kronenberger said considering circumstances he has no problem with the proposal.

Ms. Flanagan and Mr. Roos agreed.

Mr. Friedmann said the proposed sign would be an improvement and is a cleaner, sleeker, more modern design.

Mr. Mees called roll.

Ms. Flanagan – YES

Mr. Roos - YES

Mr. Friedmann – YES

Mr. Kronenberger - YES

Mr. Mees - YES

Mr. Holbert said the case will be heard by the Board of Trustees on January 18th at a time to be determined.

Mr. Friedmann stated he would now like to have the Board approve the August 14, October 10 and November 13, 2017 meeting minutes.

Mr. Friedmann entertained a motion to approve the August 14, 2017 meeting minutes.

Mr. Kronenberger moved to approve the August 14, 2017 meeting minutes.

Mr. Friedmann seconded.

Mr. Mees called roll.

Barrick – ABSENT
Friedmann – AYE
Kronenberger – AYE
Roos - AYE

Mr. Friedmann entertained a motion to approve the October 10, 2017 meeting minutes.

Mr. Flanagan moved to approve the October 10, 2017 meeting minutes.

Mr. Kronenberger seconded.

Mr. Mees called roll.

Flanagan – AYE
Friedmann – AYE
Kronenberger – AYE

Mr. Friedmann entertained a motion to approve the November 13, 2017 meeting minutes.

Mr. Mees moved to approve the November 13, 2017 meeting minutes.

Mr. Roos seconded.

Mr. Mees called roll.

Flanagan – AYE
Friedmann – AYE
Mees – AYE
Roos - AYE

Item 5. – Trustees Report

Ms. Flanagan asked about Drake Motel case.

Mr. Holbert stated it had been continued to address concerns of residents and adjacent communities.

Mr. Holbert informed the Board the Mercedes dealership had an open house about a possible zone change.

Mr. Holbert informed the Board the Trustees had denied the Major Adjustment request by Sally Beauty and approved both the Skyline and Pine Road zone change requests,

Item 6. – Adjournment

Mr. Mees moved to adjourn.

Mr. Roos seconded.

All voted yes.

Meeting adjourned at 8:40 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant