August 12, 2013

Mr. Roger Friedman - 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. Friedman called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Monday, August 12, 2013.

## Item 2. - Roll Call of the Board

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Barrick, Mr. Friedman, Mr. Kronenberger, and Mr.

Mees

Members absent: Mr. Roos

Staff Present: Greg Bickford and Beth Gunderson

### Item 3. - Approval of Minutes

Mr. Friedman stated the first order of business was to approve the May 13, 2013.

Mr. Friedman asked for any corrections to the May 13, 2013 meeting minutes.

Mr. Friedman entertained a motion to approve the May 13, 2013 meeting minutes.

Ms. Flanagan moved to approve the May 13, 2013 meeting minutes.

Mr. Barrick seconded.

All voted - yes.

#### Item 4. - New Business

2013-05MA

Creative Architectural Solutions (LoanMax) 7711 Montgomery Road

Major Adjustment to a PUD

Mr. Bickford presented the case and case history in a power point presentation.

Mr. Friedman asked if the applicant was present to speak.

Mr. Steve Mark, of Drummond Financial Services, LLC, representing LoanMax, and Mr. Tim Morrissey, the applicant, of Creative Architectural Solutions, 9394 Montgomery Road, Cincinnati, OH, addressed the board.

Mr. Mark said he was not opposed to making site improvements to the landscaping and building façade if it was requested of them. He did express concern that compliance with all the items noted in the staff report would infringe on the parking.

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

Logan Smith, of 7236 Garden Road, Cincinnati, OH 45236, addressed the board. Mr. Smith said he lives near the property in question and often walks to the surrounding local, family-owned businesses. He stated a LoanMax does not belong in their community and could set precedent for similar businesses to move into the area. He requested that the board deny the application.

Ms. Pauline Barthel, of 5953 Winnetka Dr., Cincinnati, OH 45236, addressed the board. Ms. Barthel said in addition to the fact that she opposes this business changing the environment of the community; she is also concerned about safety and traffic patterns. Ms. Barthel asked about the owner of the property.

Mr. Bickford stated to his knowledge the property is owned by Chantilas Properties.

Mr. Mees asked for clarification from Mr. Bickford on what makes this request a major adjustment.

Mr. Bickford answered that the Kenwood/Montgomery Road Corridor SPI Overlay was created to make future developments adhere to certain standards. The proposed use is not a directly permitted use in the overlay district and therefore must be reviewed by the Zoning Commission and approved by the Board of Trustees.

Mr. Barrick asked for clarification on the uses permitted in the overlay district.

Ms. Flanagan asked for Mr. Bickford's opinion on the buffers infringing on parking.

Mr. Friedman asked the applicant what the hours of operation would be.

Mr. Mees asked the applicant for clarification on the use.

Mr. Mark stated the hours and clarified the use.

Mr. Smith commented that this kind of business preys on desperate people bringing them into his neighborhood.

Mr. Barrick asked the applicant if he had considered changes to the plans in response to the staff report.

Mr. Mark said he had considered but did not have anything specific in mind.

Ms. Flanagan asked if he had considered the challenge to the metal façade and cinder block.

Mr. Mark stated he is willing to look at other options and had viewed this hearing as more of a discussion.

Mr. Mees said the use is non-compliant and the board can only vote on what is presented to them. In his opinion, there was nothing submitted that made it worth the approval of the board.

Mr. Friedman entertained a motion.

Ms. Flanagan moved to consider Case# 2013-05MA.

Mr. Mees seconded.

The Board discussed the issues brought before them.

Mr. Friedman stated it is the obligation of the applicant to present the best case as to why the non-compliant use should be approved and even if the use was permitted, there were too many variances that would be necessary for the submitted plan to be approved.

Mr. Mark requested a continuance.

Mr. Friedman said the Zoning Commission can grant a continuance but there is no guarantee their vote would be any different.

Mr. Mark said he would like to continue the application to the next meeting.

Ms. Flanagan withdrew her motion to consider Case# 2013-05MA.

Mr. Bickford said the case would be continued to the September 9, 2013 meeting and informed the members of the public present to take note of that date because the Township would not mail them a second notice.

#### Item 5. – Trustees Report

Mr. Bickford informed the Zoning Commission that the Upper Echelon was approved by the Board of Trustees subject to all signs being brought into compliance within 45 days of the approval.

#### Item 6. - Adjournment

Mr. Barrick moved to adjourn.

Mr. Mees seconded.

All voted yes.

Meeting adjourned at 7:32 p.m.

Minutes Recorded by: Beth Gunderson

Planning & Zoning Assistant