

October 14, 2014

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 Tuesday, October 14, 2014.

**Item 2. – Roll Call of the Board**

Mr. Bickford called the roll.

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

Members Absent: Mr. Mees

Staff Present: Greg Bickford, Harry Holbert and Beth Gunderson

**Item 3. – Approval of Minutes**

Mr. Friedmann stated the first order of business was to approve the September 8, 2014 meeting minutes.

Mr. Friedmann asked for any corrections to the September 8, 2014 minutes.

Mr. Friedmann entertained a motion to approve the September 8, 2014 meeting minutes.

Ms. Flanagan moved to approve the September 8, 2014 meeting minutes.

Mr. Kronenberger seconded.

All voted – yes.

**Item 4. – New Business**

Mr. Friedmann moved case 2014-14MA to the beginning of new business due to the fact that many of the members of the public present were there to hear that particular case.

2014-14MA  
Studio For Architecture, Inc.  
8784 Montgomery Road  
Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert stated the applicant's request is for a modification to a PUD to build a new one story medical office building. Mr. Holbert noted the property was approved as a PUD in 2008 in Case 2008-03Z. The approved site plan for that case is the current zoning for the property even though it never came to fruition. That site plan included two office buildings and a single family house converted to office use. Mr. Holbert informed the Zoning Commission that the applicant had submitted revised drawings increasing the length of the proposed building by ten (10) feet.

Mr. Barrick asked for clarification on the increase in size of the proposed building based on the submitted revision.

Mr. Holbert said the revision increases the building to 6,984 square feet from the originally submitted 6,384 square feet.

Mr. Friedmann asked if the parking shown was compliant with the Zoning Resolution.

Mr. Holbert answered yes.

Ms. Flanagan asked if the 600 square feet increase in the building size raises the ISR and FAR.

Mr. Bickford said it would but staff had not done those calculations yet.

Mr. Friedmann expressed concern about the applicant submitting a revision the day of the hearing.

Mr. Bickford noted the Zoning Commission members must consider the 2008 plan which is the zoning for the site. He noted the 600 square feet increase in size of the proposed building will not alter the site from a technical perspective but it does affect the setback and buffer.

Mr. Barrick asked if there was any agreement to join driveways with adjoining properties.

Mr. Bickford said the original approval required cross access and that would still be a requirement unless specifically changed by the Board.

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

Mr. Rick Pansiera, the architect and applicant, of Studio For Architecture, 2227 Utica Road, Lebanon, OH 45036, addressed the Board. Mr. Pansiera said he had no involvement in the 2008 plan and noted that he specializes in designing dental offices. He informed the Board that the updated calculations with the increase in the proposed building size are as follows:  
ISR: 60.2 and FAR: 39.4

Mr. Pansiera stated that the 2008 approval was for approximately 8,000 square feet of building per acre; his proposal is less than that at 6,984 square feet. He said he understands the need for cross access to the adjacent properties for future development so that there would be only two access points off Montgomery Road.

Mike Kubicki, owner of the property, noted there had been no dialogue in six years regarding any development larger than the one proposed.

Mr. Pansiera went on to describe the topography and its effect on the design of the property, the proposed materials that would be used for construction and the details of the proposed retaining walls. He noted that his intent was to give the building a residential character.

The Board asked questions of the applicant.

Mr. Friedmann inquired about the use of the space in the lower level of the building.

Mr. Pansiera said it would be used for storage.

Mr. Barrick asked about the topography as compared to the adjacent properties and for clarification on the retaining wall in the front of the parking lot.

Ms. Flanagan inquired about the lighting and if the dentist would have weekend hours.

Mr. Roos noted the 2008 approval included a condition requiring sidewalks along Montgomery Road.

Mr. Friedmann asked if anyone from the public wished to comment.

Mr. Ted Leugers, 8927 Lyncris Drive, Sycamore Township, OH 45242, addressed the Board. Mr. Leugers stated his opinion that the proposal is too intense for the size of the lot and noted his concern about a lack of buffering, especially near the dumpster. He also expressed concern that the dentist could sell the building and in the future the lower level could be used for something other than storage.

Mr. Thomas M. Deutsch, 8858 Montgomery Road, 45236, addressed the board stating he was present on behalf of the Bayard Court Condo Association and Pinehurst Lane HOA. Mr. Deutsch expressed concern about the parking in the front of the building along Montgomery Road and the lack of buffering.

Mr. John Misali, 8829 Lyncris Drive, noted the new proposal is much closer to the houses in the rear of the property than the buildings shown in the 2008 approved site plan. He expressed concern about approving the lots one at a time instead of as a whole as was the intent of the 2008 PUD. He also was concerned about the leasing of some of the space in the proposed building.

Mr. Nicholas Strauss, 8815 Lyncris Drive, said the dumpster would be the view from his property and noted neighbors would be able to hear it being emptied. He was also concerned about the dentist leasing part of the building.

Ms. Judy Wordeman, 8801 Lyncris Drive, said she had the same concerns as those who had already addressed the board, especially about the dumpster. She stressed the point that this proposed building was much closer to the rear adjacent properties than the 2008 approval and said she was also worried about drainage.

Mr. Pansiera responded to the concerns of the public and said he is willing to enhance the landscape plan to include more buffering. He said a dumpster screen could be added and explained the drainage of the site.

Mr. Paul Wordeman, 8801 Lyncris Drive, stated a dentist does not need this large of a building and said he feared it was being built as an investment with future tenants in mind.

Mr. Friedmann closed the floor to comments from the public.

Ms. Flanagan moved to consider case 2014-14MA.

Mr. Barrick seconded.

The Board discussed the issues brought before them.

Mr. Kronenberger said he appreciates the efforts the architect made to design a building residential in character; however, his primary concern is the PUD that already exists with setbacks and intensity requirements. He noted any plan the Board approves should be consistent with the previous plan and if

the lots are approved piecemeal the site could end up with much greater intensity than the 2008 approval allowed. He stated the plan could be modified to be more consistent with the 2008 PUD.

Ms. Flanagan and Mr. Barrick agreed. Mr. Barrick added that this is not a phased project there are too many unknowns.

Mr. Friedmann stated he did not like the fact that a revised plan was submitted at the last minute. He said there is nothing to prevent future use of the lower level of the building.

Mr. Bickford called roll.

Ms. Flanagan – NEA  
Mr. Barrick – NEA  
Mr. Friedmann – NEA  
Mr. Kronenberger - NEA  
Mr. Roos – NEA

Mr. Bickford noted the case would be heard by the Board of Trustees on November 6, 2014, time to be determined.

2014-13P2  
Douglas Druen, Texas Roadhouse  
7860 Montgomery Road  
PUD2

Mr. Barrick recused himself from hearing case 2014-13P2 due to possible conflicts of interest.

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant is requesting to raze an existing structure and build a new Texas Roadhouse restaurant. Mr. Holbert pointed out the zoning compliance issues including lack of preferred building materials and proposed signage that exceeds the amount permitted by the Zoning Resolution. Mr. Holbert also read a list of staff comments for the Board to consider should they choose to recommend approval of the request.

Mr. Kronenberger asked if the sign face change was included in the amount of signage Mr. Holbert described.

Mr. Holbert said the sign face change was not included and that the sign face change to the existing multi-tenant sign was permitted as of right.

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

Emily Bernahl, of Greenberg Farrow, 21 S. Evergreen Ave. Suite 200, Arlington Heights, IL 60156, representing the applicant, addressed the Board. Ms. Bernahl said the business plan for Texas Roadhouse restaurants includes an identical building in every market. She noted their research had shown deviation from that prototype creates confusion for their customers. She said the building would have some brick and the dumpster would be fully enclosed and located in the rear where it would be difficult to see. Ms. Bernahl stated at a minimum a Texas Roadhouse restaurant has two building signs and that their request includes variances for signage to increase visibility given that the location is only visible from I-71. She noted the highway sign is part of their proposal.

Mr. Kronenberger asked for clarification on the proposed signage and the highway sign.

Mr. Holbert said the applicant could have two building signs and the sign face change to the multi tenant pylon sign as of right. He noted that highway signs are no longer permitted by the Zoning Resolution.

Mr. Bickford said the highway sign is a gray area. The Board could say the applicant has a right to a sign face change on the highway sign, however, he pointed out that previous discussions by the Zoning Commission concluded the such signs would be eliminated as property is redeveloped. Since the applicant is razing the existing structure and building a new building, this project could be viewed as redevelopment.

Mr. Friedmann asked if the 312 square feet of signage included the pylon sign.

Mr. Bickford answered that was the total measurement of the building signs only.

Ms. Flanagan asked for clarification on the building sign locations and commented the sign over the door seemed redundant since the large sign would be directly above it.

Ms. Bernahl said those are standard signs for Texas Roadhouse restaurants.

Mr. Kronenberger asked if the applicant had issues with using compliant materials for the dumpster enclosure.

The applicant said they would be willing to look at alternate materials. She also noted the percentage of each elevation that would be brick on the building.

Mr. Freidmann asked if the only metal used would be on the roof.

Ms. Bernahl answered yes.

Mr. Friedmann asked if anyone from the public wished to comment. No response.

Mr. Kronenberger commented that he appreciates the staff report noting the zoning compliance issues, however, in this case in his opinion the materials proposed are integral to the design and the signage fits in well with the building and is necessary due to the location of the site. He stated there was no reason to keep the highway sign when the building sign would be visible from the same direction

Mr. Kronenberger moved to consider case 2014-13P2 as submitted with the following conditions:

1. The applicant must submit an enhanced landscape plan to be approved by staff.
2. The dumpster screen must be brick or stone.
3. The upper cabinet of the existing highway sign must be removed.

Mr. Roos seconded.

The Board discussed the issues brought before them.

Ms. Flanagan agreed the highway sign was unnecessary since the large building sign would face I-71. She agreed that the site is unique in that it faces the highway and the materials are unique to the restaurant.

Mr. Roos agreed saying it was impractical to change the design.

Mr. Friedmann said the split block could be made to appear attractive and that the building signs proposed would be plenty of signage without the highway sign. He requested the condition regarding the dumpster screen be amended to read that the screen be brick, stone or the split face block if approved by staff.

Mr. Kronenberger modified his initial motion to include the condition that the dumpster screen must be brick, stone or the split face block if approved by staff.

Mr. Bickford called roll.

Ms. Flanagan – AYE  
Mr. Friedmann – AYE  
Mr. Kronenberger - AYE  
Mr. Roos – AYE

Mr. Bickford noted the case would be heard by the Board of Trustees on November 6, 2014, time to be determined.

Mr. Barrick rejoined the hearing.

2014-15MA  
Nodas Papadimas, Synthesis Architecture  
4317 Kugler Mill Road  
Major Adjustment to a PUD

Mr. Bickford presented the case and case history in a power point presentation. Mr. Holbert noted the original approval of the daycare included a condition that the drive on Kugler Mill be exit only. Mr. Holbert also read a list of staff comments the Board should consider should they choose to recommend approval of the request.

Mr. Roos asked about the width of the existing driveway, asking if there was enough room for two way traffic.

Mr. Holbert answered it is 28 feet wide where 24 feet is required.

Ms. Flanagan asked if the existing entrance would remain.

Mr. Holbert answered yes and noted the adjacent business uses that entrance.

Mr. Bickford noted the Fire Department would have to review the proposed fence from a life/safety aspect.

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

Mr. Nodas Papadimas, the applicant, of Synthesis Architecture, 3775 Beacon Woods Ct., Cleves, OH 45002, addressed the Board.

Mr. Kronenberger asked him to point out the location of the proposed fencing.

Mr. Papadimas pointed out the proposed location of the fence and noted the fence was necessary to distinguish the property from the adjacent business and for the safety of the children.

Mr. Friedmann inquired about any easements on the property.

Mr. Papadimas said there is a verbal agreement among the three businesses for shared parking and easement.

Ms. Flanagan asked if the adjacent business used that space to turn trucks around.

Mr. Friedmann asked if the fence would prohibit the adjacent business from exiting onto Kugler Mill.

There was some discussion about the possibility of an easement.

Mr. Kronenberger asked if the proposed fence crossed the property line.

Mr. Holbert answered no, showing the fence on an aerial view.

Mr. Kronenberger expressed concerns about the safety of pedestrian traffic on the proposed two way drive.

Ms. Flanagan asked the applicant to point out the location of the building entrance.

Mr. Friedmann asked if anyone from the public wished to comment.

Mr. Stan Muehlenkamp, of 4317 Kugler Mill Road, the adjacent business, addressed the Board. Mr. Muehlenkamp said there is an easement and his only concern about the proposed fence is that it may block off access to one of the garage doors on his building. He said he does not have a problem with changing the Kugler Mill Drive to two way traffic.

Ms. Mae Harman, of 4318 Kugler Mill Road, addressed the Board, expressing concern about increased traffic if the drive is changed to an entrance as well as exit on Kugler Mill.

Mr. Bickford suggested a continuance pending more information regarding easements and the daycare working out issues with the adjacent businesses.

Mr. Kronenberger moved to continue case 2014-15MA

Mr. Barrick seconded.

All Aye.

Mr. Kronenberger requested the following:

1. Better dimensions noted for the proposed two way driveway including the setback from the adjacent residential property.
2. More information on the proposed fence locations.
3. Clarification on what, if any, easements exist on the property.

The case will be continued to the November 10, 2014 Zoning Commission Meeting.

**Item 5. – Trustees Report**

No report.

Mr. Friedmann stated the date of the next meeting would be Monday, November 10, 2014.

**Item 6. – Adjournment**

Mr. Barrick moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 9:17 p.m.

Minutes Recorded by: Beth Gunderson  
Planning & Zoning Assistant