

March 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, March 13, 2017.

**Item 2. – Roll Call of the Board**

Mr. Mees called the roll.

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

Staff Present: Harry Holbert

**Item 3. – Approval of Minutes**

Mr. Friedmann stated the first order of business was to approve the February 13, 2017 meeting minutes.

Mr. Friedmann asked for any corrections to the February 13, 2017 minutes.

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

Ms. Flanagan moved to approve the February 13, 2017 meeting minutes.

Mr. Barrick seconded.

All Voted: Yes.

**Item 4. – New Business**

Case: 2017-05P2  
Applicant: James Sheanshang, JLS Architecture Inc.  
Location: 10869 & 10875 Montgomery Road  
Request: PUDII

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert stated the applicant proposes the construction of an 11,825 square feet retail center with a proposed .88 ISR (Impervious Surface Ratio). Mr. Holbert showed the existing and proposed conditions on the properties in question and noted the existing signage, existing curb cut to Montgomery Road and renderings of the proposed development.

Mr. Holbert noted the tenants in the center would be permitted building signage at a one-to-one ratio or one square feet of sign surface area per lineal foot of tenant space. He noted the proposal shows a 40 square feet sign for Skyline on the front/east elevation which would have 50.3 feet of frontage, as well as an additional 40 square feet sign on the north elevation where there is zero lineal frontage.

Mr. Holbert noted there was a discrepancy on the floor plan versus the application. The application notes an 11,825 square feet building, but the floor plan shows 11,664 square feet. He deferred to the applicant to clarify that. Mr. Holbert then showed the landscape plan and noted some areas of concern. He noted the presence of an eight feet retaining wall which would create a challenge for any landscaping near there. He was unclear about exactly which areas of the property are owned and maintained by ODOT.

Mr. Holbert said he received a plan that day for a free standing sign with a 17 feet base with a 48 square feet sign. The code allows an eight feet tall base with a 64 square feet sign. He said an elevated base is necessary because of the retaining wall but it is up to the Board to decide. The overall sign height can go up to 15 feet if it were pushed back farther from Montgomery Road.

The Board asked questions of Mr. Holbert.

Ms. Flanagan and Mr. Kronenberger asked for clarification on the allowable height of a free standing sign.

Mr. Holbert explained what the code allows as of right, noting the further the sign is setback, the taller it can be up to a maximum of 15 feet in height.

Mr. Mees asked about the landscape plan and the vehicle overhang with the two adjacent parking lots.

Mr. Holbert deferred that to the applicant.

Mr. Mees stated that the additional sign proposed by Skyline on the north elevation would not be permitted as of right.

Mr. Holbert said that is correct.

Mr. Mees asked about line of sight issues with the proposed monument sign.

Mr. Holbert said if it is put in the same location as the current sign he would say no.

Ms. Flanagan asked about the staff report comment regarding parking requirements not met.

Mr. Holbert clarified the issues with the parking stalls.

Mr. Barrick asked if the freestanding sign should be considered as part of the application since it was just turned into staff today.

Mr. Holbert said that is up to the Board.

Mr. Barrick asked several questions about the landscape requirements and buffering.

Mr. Holbert answered his questions noting some areas of concern and that he was awaiting a response from ODOT about the streetscape.

Mr. Barrick asked if there had been any discussion with ODOT about making the curb cut a right in / right out noting that Montgomery Road has four lanes of traffic there.

Mr. Holbert said he has not received any comments from ODOT.

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

Mr. James Sheanshang, JLS Architecture, addressed the Board. He stated the square footage is correct on the floor plan, it is actually 11,664 square feet. He also clarified that the property line is on the inside of the retaining wall, therefore the retaining wall and the green space on the other side of it are both part of ODOT's property.

Mr. Sheanshang said he has not contacted ODOT about the project so he does not have any comments about ingress/egress. He noted it is very difficult to add landscaping along the front of the property due to space limitations. He addressed concerns about the buffering stating he hoped to get some credit for some of the existing plantings. He noted there ARE no adjacent residential areas from which to shield.

Mr. Friedmann asked if the applicant had discussed having the curb cut be right in / right out only on Montgomery Road.

Mr. Sheanshang said they assume that it will be but that he does not want to see an island put in because it would be difficult to maintain.

Mr. Kronenberger asked about a note he saw on the plan that the sign would be rotating.

Mr. Holbert said that would not be permitted by the Sycamore Township zoning code.

There was discussion about the signs and how high the free standing sign would have to be to allow it to be seen from Montgomery Road.

Mr. Kronenberger said it is his understanding the sign on the north elevation would be facing I-275.

Mr. Holbert said that's correct.

Mr. Mike Misleh, the property owner, of 2951 Madison Road, Cincinnati, OH 45241, addressed the Board. He said he had spoken with the people in the office building behind the property about moving their dumpster closer to I-275 and an easement agreement to give the proposed center an additional driveway to help with traffic flow to the drive through. He also said he'd like to speak with ODOT about allowing them to paint the retaining wall to make it more attractive. There was also discussion about debris and the fence which was determined to be on ODOT's property.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case. No response.

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

Mr. Holbert added that if the Board is inclined to approve the proposal, staff recommends taking into consideration the following conditions:

1. Unless otherwise noted, all aspects of the development must adhere to the requirements of the Sycamore Township Zoning Resolution.
2. If a container type dumpster is used, no garbage removal before 7:00 a.m. or after 10:00 p.m.
3. No cell phone or other telecommunication towers or substations are permitted on the property.

4. The applicant is to provide existing and proposed ISR calculations.
5. All mechanical equipment must be screened from view.
6. The dumpster enclosure must be held a minimum of six feet (6') away from the proposed building.
7. Boundary buffers to be provided per the zoning resolution and if potted landscaping is used, irrigation must be provided to the pots.

Mr. Friedmann asked if those conditions had been shared with the applicant.

Mr. Holbert answered no.

Mr. Kronenberger commented that certainly the boundary buffers proposed do not meet the zoning resolution requirements and asked if the dumpster enclosure on the plans submitted was six feet from the building.

Mr. Holbert said he would guess that it's five feet.

Mr. Barrick commented it would take quite a bit of revisions to the plan to bring the boundary buffers into compliance.

Mr. Holbert said the area he is most concerned about is the area along I-275 because it would be shaded.

There was discussion about where and how to add plantings to improve aesthetics and landscape buffers.

Ms. Flanagan suggested, because it is a tight site surrounded by other commercial properties, she would be comfortable with allowing for some leniency in regards to the buffering and instead concentrating on safe ingress and egress and the signage.

Mr. Mees made a motion to consider Case 2017-05P2.

Mr. Kronenberger seconded.

Mr. Misleh asked if he could make a comment. He said the Fifth Third is leasing the ATM space from him and noted it is very dated and he would like it to be improved.

Mr. Mees amended his motion to include the conditions recommended by staff plus the access to Montgomery Road be limited to right in / right out only, the applicant must provide evidence of the access easement to Hetz Road, the top of monument sign base be in line with the top of the metal fence that is above the retaining wall.

Mr. Mees noted he is ok with the extra sign on the north elevation facing the highway.

Ms. Flanagan asked if it should be added that the sign may not rotate.

Mr. Barrick suggested the sign above the base be compliant with the zoning resolution.

Mr. Mees added that the sign itself above the base must be compliant with the Zoning Resolution and the top of the sign may not rotate.

Mr. Barrick recommended the streetscape buffer requirement be limited to tree count only.

There was discussion about how to add landscaping along Montgomery Road. In the end it was decided that, due to several factors including the grade and the underground detention, the lot is not conducive to adding trees along Montgomery.

Mr. Mees repeated his motion to consider Case 2017-05P2 with the conditions recommended by staff as well as the following additional conditions:

1. The Montgomery Road curb cut be limited to right in / right out only.
2. The applicant must provide evidence of the access easement to Hetz Road.
3. The top of the base of the freestanding sign must be in line with the top of the metal fence that is above the retaining wall.
4. The sign above the base must be compliant with the requirements of the Zoning Resolution and may not rotate.
5. The building sign on the north side of the building is permitted.

Mr. Kronenberger suggested adding that the boundary buffer along I-275 and the streetscape along Montgomery Road are approved as submitted.

Mr. Mees added that condition as well.

Mr. Kronenberger seconded.

Ms. Flanagan – AYE

Mr. Barrick – NEA

Mr. Friedmann - AYE

Mr. Kronenberger – AYE

Mr. Mees - AYE

Mr. Friedmann said the case will be heard by the Board of Trustees in April at a time to be determined.

2017-06MA

Kenwood Crossing II, LLC

4580 E. Galbraith Road

Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a Power Point presentation. He noted the proposal is unusual because the proposed sign is not on the development's parcel but is an off-site monument sign. He said the applicant obtained a 25 feet by 20 feet sign easement. Mr. Holbert noted that staff had not received a survey from the applicant, he then pointed out the right-of-way location versus the property line. He stated the proposed sign is on a residential property which already has a monument sign for Arden Courts. He noted the location of the other Kenwood Crossing signs as well. Mr. Holbert said per the renderings submitted, the sign would either be in the detention basin or take up some of the streetscape. He pointed out the proposed 70 square feet off-site sign would be on the west corner of Galbraith and Pine and would be in addition to the existing 70 square feet sign for the development on the east corner of Galbraith and Pine. He said the sign would be on a residential property which is permitted by code one 32 square feet sign and already has an existing 5'8" X 6' monument sign for Arden Courts.

The Board asked questions of Mr. Holbert.

Mr. Mees asked who owns the land between the property line and the right of way.

Mr. Holbert answered it is owned by Hamilton County.

Mr. Mees asked for their review the sign should be setback from the property line.

Mr. Holbert said that is correct it needs to be setback ten feet from the property line. He said due to the fact that there has been no survey submitted, he cannot tell if the right of way has been pushed back to be one in the same with the property line.

Mr. Barrick asked if it was correct that the sign easement was granted by Arden Courts.

Mr. Holbert answered yes.

There was discussion regarding the easement and locations of right of way and property lines.

Mr. Mees stated the Board has two issues to consider. First, is the Board ok with an off-premise sign and, second, where is that sign allowed to be? He noted clarification is needed regarding the location of the right of way and property line.

Mr. Holbert noted there is a checklist of items the applicant is required to submit. The applicant submitted an architectural plan, not a legal survey.

Mr. Mees asked if the proposed sign is intended to list tenants that are in the Kenwood Crossing or to be more directional letting people know where Kenwood Crossing is located.

Mr. Holbert said he would defer that question to the applicant but noted the concept plan does show tenant panels. Based on the letter of intent it is a development sign.

Mr. Kronenberger said the letter of intent states the sign will have tenant panels.

There was discussion about the intent of the sign.

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

Mr. Mike Cassidy, with Atlantic Sign Company, of 2328 Florence Ave., Cincinnati, OH 45206, addressed the Board. He said also present were Mr. Jeff Chamot and Mr. Chris Ziegelmeier, both with Neyer Properties, 2135 Dana Ave., Cincinnati, OH 45207.

Mr. Cassidy said the sign is set up to display the names of some of the tenants. He noted the square feet of the existing and proposed buildings in the Kenwood Crossing Development. He said this is a unique situation to be asking to put an off premise sign on a residential property, however, there is a 40% vacancy in this commercial development that they are trying to promote. He noted the submittal included four letters from people endorsing the sign. Mr. Cassidy said there is definite interest by potential tenants in the development noting some of that is contingent upon getting exposure for them on Galbraith Road.

Mr. Cassidy explained the reasoning behind the proposed location of the sign in the streetscape noting the streetscape would then be redeveloped. He discussed the need for the sign and why the development faces a true hardship.

Mr. Friedmann asked if the six separate tenant panels on the proposed sign would be for new or existing tenants.

Mr. Cassidy answered there are existing tenants who are struggling and would like exposure on Galbraith Road, therefore, the sign would most likely have panels for existing tenants in Kenwood Crossing II and future tenants in Kenwood Crossing III.

Mr. Friedmann asked if there was any development for Kenwood Crossing III at this time.

Mr. Cassidy answered no.

Mr. Jeff Chamot addressed the Board. Mr. Chamot added that the sign easement was obtained in 2008 and had been used for real estate signs advertising space available. He said the reason the request for a permanent sign is before the Board now is because of vacancies in Kenwood Crossing II and because of the plan to move forward with Kenwood Crossing III and potentially a Kenwood Crossing IV at some point in the future. He noted the development is a desirable office use, located in a JEDZ district that will bring jobs to the area. Mr. Chamot said they had discussed with the Township the possibility of a senior living use and were told that the office use is preferred. He said the visibility on Galbraith is necessary to move forward with the office development.

Mr. Mees asked if the applicant would be redoing any of the existing signage.

Mr. Chamot said they sold Kenwood Crossing I in 2007 so they cannot do anything to update that sign.

Ms. Flanagan asked if Mr. Chamot knew if Kenwood Crossing I was fully occupied.

Mr. Chamot said it has a recent vacancy.

Mr. Mees said if the Board were to allow it he'd like to see more information regarding the location and, if the streetscape buffer is to be changed, he'd like to see how that will be modified, and if it would be in the detention basin, he'd like to see how that will work.

Ms. Flanagan said she is not troubled by the proposal conceptually because she understands the need for people to be able to find their way back to the development. She agreed she'd like to see what would be done to the streetscape buffer if that is where the sign would be located. She suggested a condition that the applicant has to restore the streetscape buffer.

Mr. Barrick said he is bothered by the tenant panels on the sign. He said while he sympathizes with the need for visibility the developer knew when they got into this that the properties were off the main road.

Mr. Friedmann agreed saying the sign should promote the building that's back there but not necessarily individual tenants. He stated he thinks it is premature to bring the request before the Board.

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

Ms. Flanagan made a motion to consider Case 2017-06MA.

Mr. Barrick seconded.

Mr. Kronenberger said it is difficult for the Board to consider the case and make a decision because there is not enough information.

Mr. Mees agreed he is concerned about the individual tenant panels and thinks he'd be more in favor of the sign if its intent was the branding of the development.

Ms. Flanagan said the question is whether the applicant would like to withdraw or if the Board should vote on the current proposal.

Mr. Chamot clarified the Board's concerns with Mr. Friedmann.

Mr. Chamot suggested the Board vote on conceptual approval and he come back with a survey.

Mr. Friedmann said the Board would vote on the information presented.

Mr. Chamot said there is already a sign across the street to identify the development and the feedback he has received suggests the need for the tenant panels to allow him to be able to market five acres of land.

Mr. Chamot then requested a continuance to allow time for dialogue to figure out how they would like to proceed.

Ms. Flanagan withdrew her motion to consider Case 2017-06MA.

Mr. Barrick seconded.

All voted AYE.

Mr. Mees asked the applicant to come back with a full proposal including landscaping.

Mr. Chamot said he understood.

Mr. Friedmann made a motion to continue the case.

Mr. Mees seconded.

All voted AYE.

#### **Item 5. – Trustees Report**

Mr. Holbert reported that the Board of Trustees had agreed with the Zoning Commission and denied the zone change request for Stonecrest Senior Living. He said the resolution will be signed at the next Trustee meeting and he expects there will be action by the applicant after that. He said the residents were vocal and the Boards listened.

Mr. Friedmann asked the status of the Camden major adjustment.

Mr. Holbert said he has a meeting with Camden because he would like to see that land developed.

Mr. Barrick suggested the applicants be required to produce 3D renderings so that the Boards can see what the developments will look like.

Mr. Holbert said the applicants tend not to submit complete drawings because they do not want to spend the money when they could be denied.



